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WHEN: June 13; at 1:00 p.m.
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RESERVATIONS: Call Arlene Shapiro or Stephen Colon at the New York Federal Information Center, 212-264-4810.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

Pay Administration (General); Interest on Back Pay

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing an interim rule implementing a provision of Pub. L. 100–202 that provides for the payment of interest on back pay awards to Federal employees. This rule establishes the interest rate or rates to be used in the computation, the frequency of compounding, the period of time for which interest accrues, and certain other computational procedures.

DATES: This interim rule is effective for all determinations which become final on or after December 22, 1987, awarding back pay under 5 U.S.C. 5596. Comments must be submitted on or before July 19, 1988.

ADDRESS: Comments may be sent or delivered to Barbara L. Fiss, Assistant Director for Pay and Performance Management, Personnel Systems and Oversight Group, U.S. Office of Personnel Management, Room 7H28, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: John P. Cahill, (202) 632–5056.

SUPPLEMENTARY INFORMATION: Pub. L. 100–202, December 22, 1987, Further Continuing Appropriations for Fiscal Year 1988, amended 5 U.S.C. 5596 to provide for the payment of interest on back pay awards to Federal employees. This provision applies to determinations that become final on or after the date of enactment. Agencies, therefore, must review their records to determine whether interest must be computed and paid on back pay awards that became final on or after December 22, 1987.

The statute provides that interest begins to accrue on the effective date of the withdrawal of pay, allowances, and differentials. A particular money amount is not withdrawn from an employee until the actual date (usually a pay date) on which the employee would have received it if the unjustified or unwarranted personnel action had not occurred. Therefore, most awards will involve a series of effective dates, and an additional money amount of withdrawn pay, allowances, and differentials must be incorporated into the interest computation for periods on or after each such date.

Section 5596(b)(1)(A)(i) of title 5, United States Code, reduces an employee's entitlement to back pay by the amount of earnings through other employment during the period covered by the corrective action. The Office of Personnel Management (OPM) has determined that since computing an employee's entitlement to back pay requires deducting the amount of outside earnings, such earnings should not be included in the computation of the employee's entitlement to interest on back pay.

To incorporate this determination into the process of computing the amount of interest due, the interim regulations include a method of prorating the amount of outside earnings. For computation purposes, ensuring that interest does not accrue on outside earnings means that such earnings must be subtracted from the amount of pay, allowances, and differentials due for specific dates during the period covered by the corrective action. However, performing this subtraction only on the actual date such earnings were paid would mean that earnings which exceeded the amount of pay, allowances, and differentials due for the corresponding period would not be deducted from back pay. Therefore, the interim regulations establish a method of uniform proration over the full period covered by the corrective action.

The agency must issue the interest payment within 30 days of the date on which accrual of interest ends. If issuance of the interest payment is delayed more than 30 days after the date on which accrual of interest ends, interest must be recomputed based on a new ending date that meets the 30-day requirement.

The agency normally will issue the interest payment at the same time it issues the payment of back pay. When simultaneous payment is not feasible (e.g., when a decision became final on or after December 22, 1987, and payment of back pay was issued before implementation of this rule), the payment of back pay will be subtracted from the accrued amount of back pay and interest effective with the date the payment of back pay was issued. Interest will continue to accrue on the remaining amount of back pay (if any) and interest until the date interest accrual ends. Additional guidance concerning the computational procedures to be followed in implementing this provision will be provided through the Federal Personnel Manual System.

The statute also provides for payment of interest on back pay awards if the final determination was made prior to December 22, 1987, and if, under terms of the decision, a right to interest was specifically reserved, contingent on the enactment of a statute authorizing the payment of interest on claims brought under 5 U.S.C. 5596. The Office is aware of only two such decisions—*Karamatsu* v. *United States* and *Alaniz* v. *Office of Personnel Management.* If interested parties know of other decisions that meet these conditions, they should bring them to the attention of the Office. The statute provides that payment of interest on these decisions may not be made before October 1, 1988. Affected agencies will be informed of special processing requirements.

Pursuant to section 553(b)(3)(B) and (d)(3) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making this amendment effective in less than 30 days. The notice and the 30-day delay in the effective date are being waived because the effective date of the statute was December 22, 1987.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a

substantial number of small entities because they will affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 550

Administrative practice and procedure, Civil defense, Government employees, Wages.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is amending Part 550 of Title 5 of the Code of Federal Regulations as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

1. The authority citation for Part 550, Subpart H, is revised to read as follows:

Authority: 5 U.S.C. 5596(c); Pub. L. 100–202.

2. In § 550.801, paragraph (a) is revised to read as follows:

§ 550.801 Applicability.

(a) This subpart contains regulations of the Office of Personnel Management to carry out section 5596 of title 5, United States Code, which authorizes the payment of back pay, interest, and reasonable attorney fees for the purpose of making an employee financially whole (to the extent possible) when, on the basis of a timely appeal or an administrative determination (including a decision relating to an unfair labor practice or a grievance), the employee is found by an appropriate authority to have been affected by an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due to the employee. This subpart should be read together with this section of law.

* * * * *

3. In § 550.805, paragraph (f) is redesignated as paragraph (g), and a new paragraph (f) is added to read as follows:

§ 550.805 Back pay computations.

* * * * *

(f) For the purpose of computing the amount of back pay under paragraph (e) of this section, interest shall be included in the amount from which deductions for erroneous payments are made, as required by § 550.805(e)(2) of this part.

* * * * *

4. Sections 550.806 and 550.807 are redesignated as § 550.807 and § 550.808 respectively; and new section § 550.806 is added to read as follows:

§ 550.806 Interest computations.

(a) Interest begins to accrue on the date or dates (usually one or more pay dates) on which the employee would have received the pay, allowances, and differentials if the unjustified or unwarranted personnel action had not occurred.

(b) In computing the amount of interest due under section 5596 of title 5, United States Code, the agency shall reduce the amount of pay, allowances, and differentials due for each date described in paragraph (a) of this section by an amount determined as follows:

(1) Divide the employee's earnings from other employment during the period covered by the corrective action, as described in § 550.805(e)(1) of this part, by the total amount of back pay prior to any deductions;

(2) Multiply the ratio obtained in paragraph (b)(1) of this section by the amount of pay, allowances, and differentials due for each date described in paragraph (a) of this section.

(c) The agency shall compute interest on the amount of back pay computed under section 5596 of title 5, United States Code, and this subpart before making deductions for erroneous payments, as required by § 550.805(e)(2) of this part.

(d) The rate or rates used to compute the interest payment shall be the annual percentage rate or rates established by the Secretary of the Treasury as the overpayment rate under section 6621(a)(1) of title 26, United States Code (or its predecessor statute), for the period or periods of time for which interest is payable.

(e) On each day for which interest accrues, the agency shall compound interest by dividing the applicable interest rate (expressed as a decimal) by 365 (366 in a leap year).

(f) The agency shall compute the amount of interest due, and shall issue the interest payment within 30 days of the date on which accrual of interest ends.

(g) To the extent administratively feasible, the agency shall issue payments of back pay and interest simultaneously. If all or part of the payment of back pay is issued on or before the date on which accrual of interest ends and the interest payment is issued after the payment of back pay is issued, the amount of the payment of back pay shall be subtracted from the accrued amount of back pay and interest, effective with the date the payment of back pay was issued. Interest shall continue to accrue on the remaining unpaid amount of back pay (if any) and interest until the date on which accrual of interest ends.

(h) This section shall not apply to any determination made before December 22, 1987, if the determination was no longer subject to reconsideration or higher-level review or appeal on December 22, 1987.

[FR Doc. 88–11392 Filed 5–19–88; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 614]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 614 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 355,000 cartons during the period May 22 through May 28, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 614 (§ 910.914) is effective for the period May 22 through May 28, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviwed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through

group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987–88. The committee met publicly on May 17, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 13–0 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market for lemons is steady.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purpose of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.914 is added to read as follows:

[This section will not appear in the Code of Federal Regulations.]

§ 910.914 Lemon Regulation 614.

The quantity of lemons grown in California and Arizona which may be handled during the period May 22, 1988, through May 28, 1988, is established at 355,000 cartons.

Dated: May 18, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88-11495 Filed 5-19-88; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 920

California Kiwifruit; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule will authorize expenditures and establish an assessment rate under Marketing Order 920 for the 1987–88 and 1988–89 fiscal periods. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATES: August 1, 1987 through July 31, 1988 (§ 920.203), and August 1, 1988 through July 31, 1989 (§ 920.204).

FOR FURTHER INFORMATION CONTACT: Todd A. Delello, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone 202–475–5610.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 920 (7 CFR Part 920) regulating the handling of kiwifruit grown in California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act. This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was published in the **Federal Register** (53 FR 15228, April 28, 1988). That document contained a proposal to revise § 920.203 and add § 920.204 to establish expenses and assessment rates for the Kiwifruit Administrative Committee. That rule provided that interested persons could file comments through May 9, 1988. No comments were received.

It is found that the specified expenses are reasonable and likely to be incurred and that such expenses and the specified assessment rates to cover such expenses will tend to effectuate the declared policy of the Act.

This action should be expedited because the committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, the Secretary also finds that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 533).

List of Subjects in 7 CFR Part 920

Marketing agreements and orders, Kiwifruit (California).

For the reasons set forth in the preamble, 7 CFR Part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 920 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 920.203 is revised and § 920.204 is added to read as follows (these sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations):

§ 920.203 Expenses and assessment rate.

Expenses of $130,418 by the Kiwifruit Administrative Committee are authorized and an assessment rate of $0.0125 per 7½ pound tray or equivalent is established for the fiscal year ending July 31, 1988. Unexpended funds may be carried over as a reserve.

§ 920.204 Expenses and assessment rate.

Expenses of $112,618 by the Kiwifruit Administrative Committee are

authorized and an assessment rate of $0.0125 per 7½ pound tray or equivalent is established for the fiscal year ending July 31, 1989. Unexpended funds may be carried over as a reserve.

Dated: May 16, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88-11353 Filed 5-19-88; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 959

South Texas Onions; Increase in Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule increases the assessment rate under Marketing Order 959 for the 1987–88 fiscal period. The change is necessary for the South Texas Onion Committee to meet its 1987–88 expense obligations. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: August 1, 1987 through July 31, 1988.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone 202–447–2431.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 959 (7 CFR Part 959) regulating the handling of onions grown in South Texas. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was published in the **Federal Register** (53 FR 13414, April 25, 1988). That document contained a proposal to amend § 959.228 to increase the assessment rate for the South Texas Onion Committee. That rule provided that interested persons could file comments through May 5, 1988. No comments were received.

It is found that the 1987–88 fiscal period assessment rate increase, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the marketing order for South Texas onions requires an increase in the rate of assessment for a fiscal period to be applicable from the beginning of that period to all onions which were regulated under this part and handled during such period. The 1987–88 fiscal period began August 1, 1987.

List of Subjects in 7 CFR Part 959

Marketing agreements and orders, Onions (Texas).

For the reasons set forth in the preamble, 7 CFR Part 959 is amended as follows:

PART 959—[AMENDED]

1. The authority citation for 7 CFR Part 959 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 959.228 is revised to read as follows (this section prescribes the annual assessment rate and will not be published in the Code of Federal Regulations):

§ 959.228 Expenses and assessment rate.

Expenses of $312,380 by the South Texas Onion Committee are authorized, and an assessment rate of $0.07 per 50-pound container or equivalent quantity of onions is established for the fiscal period ending July 30, 1988. Unexpended funds may be carried over as a reserve.

Dated: May 16, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88-11354 Filed 5-19-88; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Office of General Counsel

10 CFR Part 1010

Conduct of Employees; Cooperation With the Inspector General

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy is amending the Department's Conduct of Employees regulations (10 CFR Part 1010) to clarify Department policy regarding cooperation required of Department employees in matters relating to official investigations by the Office of Inspector General.

EFFECTIVE DATE: June 20, 1988.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Buchanan, Attorney-Advisor, Office of Assistant General Counsel, for General Law, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1522

Sanford J. Parnes, Counsel to the Inspector General, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–4393.

SUPPLEMENTARY INFORMATION:

I. Background

Section 208 of the Department of Energy Organization Act (Pub. L. 95–91) provides for the establishment of an Office of Inspector General within the Department. It also provides that the Inspector General shall be responsible for conducting "investigative activities relating to the promotion of economy and efficiency in the administration of, or the prevention or detection of fraud or abuse in, programs and operations of the Department." To facilitate such activities, it is considered appropriate that the subject of DOE employees' duty to cooperate with the Office of Inspector General be addressed in the regulations governing conduct of DOE employees. Accordingly, the Department is amending Part 1010 of Title 10, Code of Federal Regulations, by adding a new section (§ 1010.217) entitled, "Cooperation with the Inspector General." The new section makes reference to the other sections of the regulations that have a bearing on conduct of employees in this area. Section 1010.217 does not confer new authority upon the Office of Inspector General or any other DOE official; rather, it clarifies the policy and authority established by existing

statutes, regulations, Federal case law, and Departmental directives.

II. Opportunity for Public Comment

A proposed rulemaking was published on pages 38770–38771 of the Federal Register of October 19, 1987. A 30-day period was provided for comments. Comments were received from three individuals.

One commenter suggested the regulation specify that only a Government employee may be considered a "representative of the Office of Inspector General" for purposes of § 1010.217(a) because disclosure to Office of Inspector General support service contractors of trade secrets or confidential information provided to the Department by private parties would violate 18 U.S.C. 1905, the so-called "Trade Secrets Act." However, 18 U.S.C. 1905 only prohibits *unauthorized* disclosure of such information by Federal Government employees. The Department's Office of Inspector General has been authorized to contract with public agencies and private persons for services deemed necessary to carry out its mission. In view of this, disclosure of proprietary information to Office of Inspector General contractors constitutes authorized disclosure and does not violate 18 U.S.C. 1905. (See *Coastal States Gas Corp. v. Department of Energy*, 480 F. Supp. 813 (S.D. Texas 1979), *motion for stay denied* 609 F.2d 736 (5th Cir. 1979).)

Another commenter expressed the view that the language of paragraph (a) of § 1010.217 implies that any Departmental employee who refuses to cooperate in an Office of Inspector General investigation *must* be guilty of a crime and that the only reason for seeking information from an employee is to obtain evidence for use against the employee in a criminal prosecution. This commenter also suggested that paragraph (a) be amended to include language on confidentiality of employees' statements and discuss employees' constitutional rights to representation and other due process protections.

The purpose of paragraph (a) of § 1010.217 is to state clearly that it is the duty of a Department of Energy employee to cooperate in an Office of Inspector General investigation, regardless of whether the employee or another is the subject of the investigation. The statement that an employee is not required to respond to a request for information if the answers may subject the employee to criminal prosecution simply embodies the case law on the subject of the requirement for such cooperation. Clearly, there are other substantive and procedural rights that may be relevent to the circumstances of a particular investigation, but it is not practicable to set forth an all-inclusive statement of employees' rights in the regulation. That they are not set forth does not affect their applicability.

The president of the National Treasury Employees Union chapter that represents Department of Energy Headquarters bargaining unit employees who work in the Forrestal building also provided several comments on the proposed rule. First, he expressed the view that the rule adversely impacts the work environment and employees' "constitutionally guaranteed rights through the sanction of disciplinary action without limitation of the application, as a means of coercing employees to participate in investigations in a manner which severely jeopardizes their economic, physical (and) mental welfare." However, as indicated above, nothing in the rule abrogates employees' constitutional rights. As also stated previously, the rule does not confer new authority upon the Office of Inspector General, but merely sets forth employees' duties and responsibilities under the law as it is presently interpreted.

Additionally, this commenter opined that the proposed rule "would appear to have a chilling effect upon the investigatory process of the Inspector General (the IG hotline) by precluding employee involvement in matters adversely impacting the Department." The point being made seems to be that employees will not volunteer information about wrongdoing by means of the IG hotline (where callers may speak anonymously) if they know that they may later be required to cooperate in a resultant investigation by answering questions about the matter. While that may, indeed, deter some employees from using the Office of Inspector General hotline, it seems reasonable that employees should be made aware that there is no exception to the requirement for cooperation with the Inspector General for hotline users. Their use of the hotline does not abrogate their responsibility to cooperate in any Office of Inspector General investigations that result from information they provide on the hotline. Furthermore, the Inspector General does not disclose the identity of complainants without their consent, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation.

This commenter also objected that the regulation makes no mention of the right to union representation during employee interviews in Office of Inspector General investigations—the so-called "*Weingarten*" right as it applies to Inspector General Investigations. (*See, NLRB v. J. Weingarten, Inc.*, 420 U.S. 251 (1975).) However, as stated previously, it is not practicable to set forth an all-inclusive statement of employees' rights in this regulation. Furthermore, to the extent *Weingarten* rights apply, the Department is currently meeting its responsibilities regarding informing employees of their rights to representation by means of annual employee notices.

The commenter concluded by discussing the union's right to submit proposals and bargain prior to implementation of the rule. However, this regulation is merely a statement of the law and Departmental policy on the subject of employees' cooperation with the Inspector General. Discussion of its impact and implementation is not appropriate at this time. In any event, such discussions must be held with the Department's Office of Labor Relations.

No changes have been made to the final rule in response to the comments discussed above. However, a clause was added at the end of the first sentence of paragraph (b) of § 1010.217 to clarify that the purpose of the paragraph is to address the duty to report wrongdoing. Also, in the clause "under oath if specified by an investigator who is an employee of the Office of Inspector General," in the second sentence of § 1010.217(a), the modifier "Federal" was inserted in front of the word "employee" for added clarification.

III. Review Under Executive Order 12291

It has been determined that this regulation is not a "major rule" within the meaning of Executive Order 12291 (February 17, 1981) because the amendment will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

IV. Review Under the Regulatory Flexibility Act

Pursuant to section 605 of the Regulatory Flexibility Act (Pub. L. 96–354), it is hereby certified that this

regulation will not have a significant economic impact on a substantial number of small entities within the meaning of the Act. It is related solely to internal agency organization, management, or personnel.

V. Review Under the National Environmental Policy Act

DOE has determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment.

VI. Review Under the Paperwork Reduction Act

This rule does not impose a "collection of information" requirement, as defined in 44 U.S.C. 3502(4).

List of Subjects in 10 CFR Part 1010

Conflict of interest; Conduct of employees.

In consideration of the foregoing, Part 1010 of Title 10 of the Code of Federal Regulations, is amended, as set forth below.

Issued in Washington, DC on May 13, 1988.

John S. Herrington,

Secretary of Energy.

PART 1010—CONDUCT OF EMPLOYEES

1. The authority citation for Part 1010 is revised to read as follows:

Authority: Sec. 208, 601–608, 644, Pub. L. 95–91, 91 Stat. 575–577, 591–596, 599 (42 U.S.C. 7138, 7211–7218, 7254); Sec. 522, Pub. L. 94–163, 89 Stat. 961 (42 U.S.C. 6392); Sec. 308, Pub. L. 95–39, 91 Stat. 189 (42 U.S.C. 5816a); 5 U.S.C. 301 and 303(a); 5 U.S.C. app. 207(a); 18 U.S.C. 201–209; E.O. 11222, as amended by E.O. 12565.

2. The Table of Contents is amended by adding the following at the end of Subpart B:

1010.217 Cooperation with the Inspector General.

3. Part 1010 is amended by adding the following new section:

§ 1010.217 Cooperation with the Inspector General (applicable to FERC).

(a) Upon the duly authorized request of a representative of the Office of Inspector General, a DOE employee shall provide information requested by the representative pertaining to the operations and programs of the Department. In responding to such a request, an employee shall testify or respond to questions, under oath if specified by an investigator who is a Federal employee of the Office of Inspector General, and, where appropriate, furnish a signed statement; except that, an employee is not required to respond to questions or to testify if the answers or testimony may subject the employee to criminal prosecution. If the employee's statements or information gained by reason of such statements may not be used against the employee in a criminal prosecution, failure to respond to such a request for information could lead to disciplinary action.

(b) Employees have a duty to expose fraud, waste, inefficiency, or other forms of wrongdoing on the part of DOE employees, contractors, subcontractors, grantees, or other recipients of DOE financial assistance, or their employees, and to report such activities in accordance with this paragraph. All alleged violations of these regulations shall be referred to the Counselor and the Inspector General, and the Counselor shall review and determine appropriate action in accordance with § 1010.502(c). Reviewing officials shall report actual or alleged employee misconduct to the Counselor and the Inspector General (§ 1010.104(b)(6)). Notwithstanding any other provision in these regulations, DOE employees should, when appropriate, report directly to the Office of Inspector General any information concerning wrongdoing by Department employees, or DOE contractors, subcontractors, grantees, or other recipients of DOE financial assistance, or their employees.

[FR Doc. 88–11400 Filed 5–19–88; 8:45 am]
BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88–NM–44–AD; Amdt. 39–5931]

Airworthiness Directive; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Airbus Industrie Model A300 series airplanes, equipped with General Electric engines, without a secondary latching system installed. This amendment requires a daily security check for each engine core cowl door, and a security check of the engine core cowl door after it is opened and subsequently closed, until a secondary latching system is installed. This amendment is prompted by several reported incidents where engine core cowl doors have separated from airplanes equipped with this engine core cowl door design, due to failure of the latching device. This condition, if not corrected, could result in separation of the door, which, in turn, could cause structural damage to the airplane.

EFFECTIVE DATE: June 10, 1988.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. The McDonnell Douglas service bulletin may be obtained by writing to McDonnell Douglas Corporation, 3855 Lakewood Blvd., Long Beach, California 90846, Attention: Director of Publications, Mail Stop: C1–L00 (54–60). This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Armella Donnelly, Standardization Branch ANM–113; telephone (206) 431–1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Direction Générale de L'Aviation Civile (DGAC), which is the airworthiness authority of France, has, in accordance with the provisions of an existing bilateral airworthiness agreement, notified the FAA of an unsafe condition that exists on Airbus Model A300 series airplanes. There has been a report of the loss of an engine core cowl door from a Model A300, apparently caused by the incorrect function or failure of the door latch locking device. This condition, if not corrected, could result in separation of the door and consequent structural damage to the airplane.

This same engine cowl door design is installed on certain McDonnell Douglas Model DC–10 series airplanes. There have been multiple incidents reported where the engine core cowl door has separated from these airplanes and caused damage to the fuselage and/or engine inlet, or has created an obstacle to other airplanes on the runway. McDonnell Douglas has issued Alert Service Bulletin A71–150, Revision 1, dated January 27, 1988, which describes daily inspection procedures to ensure correct locking of the core cowl door latches for the left and right wing engines. (On March 7, 1988, the FAA issued AD 88–06–06, Amendment 39–5879, to require this daily inspection of affected Model DC–10 series airplanes.) Airbus Industrie has indicated that it is

in the process of preparing a service bulletin with similar inspection procedures for the Model A300.

Airbus Industrie has issued Service Bulletin A300–71–053, Revision 2, dated January 6, 1987, which describes procedures for the installation of a secondary latching system on core cowl doors. The DGAC has declared this service bulletin mandatory.

The airplane model is manufactured in France and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this situation is likely to exist or develop on other airplanes of the same type design registered in the U.S., this AD requires a daily security check procedure to ensure correct locking of the core cowl door latches for each engine and a security check of the core cowl latches after each opening and closing of the core cowl doors, until a secondary latching system on the two core cowl doors is installed. Although this final rule reflects installation of the secondary latching system as an optional requirement, the FAA is considering further rulemaking to require the installation of the secondary latching system.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations set forth in this amendment are promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

Airbus Industrie: Applies to Model A300 series airplanes, equipped with General Electric engines, without a secondary latching system on core cowl doors, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent structural damage to the airplane due to engine core cowl door separation, accomplish the following:

A. Within 10 days after the effective date of this AD, check the core cowl door latches of each engine once each day, and re-check after each core cowl door is opened and subsequently closed.

1. If the latch is open, before further flight, properly close the latch.

2. If the latch will not engage, adjust the latch, in accordance with the A300 maintenance manual.

3. If the latch cannot be properly adjusted, replace the latch prior to further flight.

B. The checks required by paragraph A., above, may be discontinued after a secondary latching system is installed, in accordance with Airbus Industrie Service Bulletin A300–71–053, Revision 2, dated January 6, 1987.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Standardization Branch, ANM–113.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modification required by this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer, may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective June 10, 1988.

Issued in Seattle, Washington, on May 11, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88–11309 Filed 5–19–88; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 87–NM–155–AD, Amdt. 39–5890]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, which currently requires structural inspection and repair, as necessary, of the forward lower cargo doorway frames. This amendment requires continued inspection and repair, as necessary, of the forward lower cargo doorway frames, in addition to the replacement of certain repair parts previously installed in accordance with the existing AD. This action is prompted by reports that certain frame angles, used as an alternate repair method, are subject to cracking during installation. Continued operation with undetected cracked frames could result in skin cracks and eventual rapid decompression of the airplane.

EFFECTIVE DATE: June 27, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara J. Baillie, Airframe Branch, ANM–120S; telephone 431–1927. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by superseding AD 86–09–06, Amendment 39–5307 (51 FR 17324; May 12, 1986), to require structural inspection and repair, as necessary, of the forward lower cargo doorway frames on certain Boeing Model 737 series airplanes, was published in the **Federal Register** on December 17, 1987 (52 FR 47945).

Interested persons have been afforded the opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The Air Transport Association (ATA) of America, commenting on behalf of one member airline, requested that inspection for cracks and replacement, as necessary, be allowed in lieu of mandatory replacement of repair angles, as would be required by paragraph D. of the proposed AD. The FAA does not concur with this request. It has been determined that certain repair angles used as a means of complying with the existing AD were made from a brittle material which cracked during or shortly after installation. This material is, therefore, inadequate and unacceptable for its intended use, and the FAA has determined that it must be removed from the airplane. However, as provided in paragraph I. of this final rule, individual operators may choose to request approval for alternate means of compliance which provides an acceptable level of safety.

Additionally, the final rule has been revised to remove all references to the use of "later FAA-approved revisions of the applicable service bulletin," in order to be consistent with FAA policy in that regard. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since later revisions of the service bulletin may be approved as an alternate means of compliance with this AD, as provided in paragraph I.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the following rule.

It is estimated that 186 airplanes of U.S. registry will be affected by this AD. (However, it is expected that only a few airplanes will require rework as a result of this action.) It will take approximately 350 hours per airplane to accomplish the required work, the average labor cost will be $40 per hour, and parts will be $2,200. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $16,200 per airplane.

The regulations set forth in this amendment are promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A final evaluation prepared for this regulation has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By superseding AD 86–09–06, Amendment 39–5307 (51 FR 17324; May 12, 1986), with the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes listed in Boeing Service Bulletin 737–53–1051, Revision 4, dated July 30, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent rapid loss of cabin pressure resulting from undetected frame cracking, accomplish the following:

A. Prior to the accumulation of 6,000 landings after June 16, 1986, visually inspect the forward and aft body frames adjacent to the forward lower cargo door for cracks, in accordance with Flight Safety Inspection Program in Boeing Service Bulletin 737–53–1051, Revision 3, dated July 12, 1985. Repeat the inspections at intervals not to exceed 4,000 landings.

B. After the effective date of this AD, if cracks are found, prior to further flight, repair in accordance with Part III.A. or Part III.B., as applicable, of Boeing Service Bulletin 737–53–1051, Revision 4, dated July 30, 1987.

C. For airplanes that have had cracks repaired in accordance with Part III.A. of Boeing Service Bulletin 737–53–1051, initial release, dated June 16, 1978, or later FAA-approved revisions: Prior to the accumulation of 25,000 landings after the repair, and thereafter at intervals not to exceed 17,000 landings, visually inspect the frames for cracks in the area of the repair in accordance with Boeing Service Bulletin 737–53–1051, Revision 3. Parts found cracked must be repaired prior to further flight in accordance with an FAA-approved repair method.

D. For airplanes that have had cracks repaired in accordance with Part III.B. of Boeing Service Bulletin 737–53–1051, Revision 3: Prior to the accumulation of 3,000 landings after effective date of this AD, replace the repair parts with new airworthy repair parts in accordance with Boeing Service Bulletin 737–53–1051, Revision 4.

E. For airplanes that have had cracks repaired in accordance with the Boeing Model 737 Structural Repair Manual, Section 51–40–3, or with Part III.B. of Boeing Service Bulletin 737–53–1051, Revision 4, or later FAA-approved revisions, or in accordance with paragraph D., above: Prior to the accumulation of 6,000 landings after the repair and thereafter at intervals not to exceed 4,000 landings, visually inspect the frames for cracks in the area of the repair in accordance with Boeing Service Bulletin 737–53–1051, Revision 4. Parts found cracked must be repaired prior to further flight, in accordance with an FAA-approved repair method.

F. Modification of uncracked frames in accordance with the Preventative Modification of Boeing Service Bulletin 737–53–1051, Revision 3, dated July 12, 1985, constitutes terminating action for the requirements of this AD.

G. Airplanes with cracked frames may be flown unpressurized in accordance with FAR 21.197 and 21.199 to a maintenance base for repairs or replacement required by this AD.

H. For the purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's number of hours time in service by the operator's fleet average time from takeoff to landing for the airplane type.

I. An alternate means of compliance or adjustment of the compliance time, which provide an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These

documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment supersedes AD 86-09-06, Amendment 39-5307.

This amendment becomes effective June 27, 1988.

Issued in Seattle, Washington, on May 10, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-11310 Filed 5-19-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-148-AD; Amdt. 39-5934]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 airplanes, which requires certain manual and/or electrical tests; inspections and repair, if necessary; interim manual operating procedures; and modifications to the lower lobe forward and aft cargo doors. This amendment is prompted by a report of a lower lobe forward cargo door, with damaged lock sectors, that partially opened in flight. This condition, if not corrected, could result in the opening of a lower lobe cargo door in flight, which could result in rapid depressurization of the airplane.

EFFECTIVE DATE: July 1, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny Brestel, Airframe Branch, ANM-120S; telephone (206) 431-1931. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires, as applicable, certain manual and/or electrical tests; inspections and repair, if necessary; interim manual operating procedures; and modifications to the lower lobe forward and aft cargo doors on Boeing Model 747 series airplanes, was published in the **Federal Register** on January 28, 1988 (53 FR 2502).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The Air Transport Association (ATA) of America, representing operators of Boeing Model 747 airplanes, commented that Boeing Alert Service Bulletin 747-52A2206, Revision 3, includes a statement that accomplishment of Boeing Service Letter 747-SL-52-38B is equivalent to Steps III.A. and III.B. of the service bulletin and, therefore, the rule should indicate this equivalency. The FAA agrees and the rule has been revised accordingly.

An operator commented that, for aircraft listed in Boeing Alert Service Bulletin 747-52A2206, Revision 3, the proposed rule requires a visual inspection of the lock sectors, without aluminum plates installed, for possible damage; however, the service bulletin does not include a procedure for the inspection. The operator requested that the final rule not be issued until a procedure is incorporated in the service bulletin and received by the affected operators. The FAA does not agree that a specific procedure developed by the manufacturer is required to perform the visual inspection because special step-by-step access procedures, inspection techniques, or special tools, are not required.

An operator commented that the proposed rule would require operators to make a temporary revision to their FAA-approved maintenance program to provide special procedures for manual door operation, and requested that, if FAA-approval is required before implementation, those special procedures not become mandatory until at least 30 days after approval. The FAA requires approval of temporary revisions to operators maintenance programs and the final rule has been clarified accordingly. However, the FAA does not concur that an additional 30-day period after FAA approval is necessary to implement the procedure, and justification has not been provided to support such an extension of the compliance time.

An operator commented that the proposed rule would require special procedures for manual door operation that must be continued and performed prior to each flight until electrical operation is restored and resumed. The operator requested that the special procedures not be required prior to flight, providing the door has not been operated. The FAA agrees and the final rule has been revised for clarification.

Since the issuance of the NPRM, Boeing has issued Revision 4 to Alert Service Bulletin 747-52A2206, and Revision 1 to Alert Service bulletin 747-52A2209, both dated April 14, 1988. The FAA has reviewed and approved those revisions and has determined that operators may use these later revisions as an alternate means of complying with the requirements of this AD. Use of these revisions does not increase the economic burden on any operator nor does it increase the scope of the rule.

The airplane effectivity listed in Boeing Alert Service Bulletin 747-52A2209, Revision 1, has been revised to delete one airplane. The final rule has been changed accordingly.

Additionally, the final rule has been revised to remove the phrases referring to the use of "later FAA-approved revisions [of the applicable service bulletin]," in order to be consistent with FAA policy in that regard. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since later revisions of the service bulletin may be approved as an alternate means of compliance with this AD, as provided by paragraph C.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes noted above.

It is estimated that 156 airplanes of U.S. registry will be affected by this AD, that it will take approximately 52 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $324,480.

The regulations set forth in this amendment are promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under

Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities, because few, if any, Model 747 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, as listed in Boeing Alert Service Bulletins 747-52A2206, Revision 3, dated August 27, 1987, and 747-52A2209, Revision 1, dated April 14, 1988, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To ensure that inadvertent opening of the lower lobe cargo doors will not occur in flight, accomplish the following:

A. For those airplanes, specified in Boeing Alert Service Bulletin 747-52A2206, Revision 3, dated August 27, 1987:

1. Within 30 days after the effective date of the AD for those airplanes without aluminum lock sector plates installed, and within 90 days after the effective date of this AD for those airplanes with aluminum lock sector plates installed, perform, as applicable, the mechanical and electrical latch lock system tests on the lower lobe forward and aft cargo doors in accordance with paragraphs III.A. and III.B. of Boeing Alert Service Bulletin 747-52A2206, Revision 3, dated August 27, 1987, or Revision 4, dated April 14, 1988. (Boeing Service Letter 747-SL-52-38B, dated March 31, 1987, is substantially equivalent and acceptable for compliance to those tests described in paragraphs III.A. and III.B. of the service bulletin.) Airplanes with doors that do not pass either test must be repaired prior to further flight, in accordance with FAA-approved procedures. The electrical test in accordance with paragraph III.B. of the service bulletin must be repeated at intervals not to exceed one year until terminating action in accordance with paragraph A.3., below, is accomplished.

2. Within 30 days after the effective date of the AD, for those lower lobe cargo doors without aluminum lock sector plates installed:

a. Visually inspect for broken, bent, or otherwise damaged lock sectors which could affect the integrity of the door locking mechanism, and repair, if necessary, prior to further flight, in accordance with FAA-approved procedures.

b. Change the FAA-approved maintenance program, with concurrence of the FAA Principal Maintenance Inspector, to provide special procedures for manual door operation. Those procedures must include the following requirements:

(1) The procedures must be accomplished or witnessed by qualified personnel in accordance with the operator's FAA-approved maintenance program.

(2) Just prior to pulling the cargo loading ramp away from the door, the master latch lock handle must be recycled; the lock handle and pressure relief doors must fully open when the lock handle release trigger is pressed; and the pressure relief doors must close fully when the lock handle is fully stowed.

(3) Compliance with these procedures must be documented in accordance with the operator's FAA-approved maintenance program.

c. The special procedures specified in paragraph A.2.b., above, for manual door operation, must be continued and performed prior to takeoff following each operation of the door until electrical restoration and operation are resumed and reinspection of the lock sectors has been accomplished in accordance with paragraph A.2.a., above.

3. Within 18 months after the effective date of this AD, for those airplanes without aluminum lock sector plates installed, and within 24 months for those airplanes with aluminum lock sector plates installed on the forward and/or aft lower lobe cargo door locking mechanism, modify the doors in accordance with paragraphs III.H. through III.O. of Boeing Alert Service Bulletin 747-52A2206, Revision 3, dated August 27, 1987, or Revision 4, dated April 14, 1988. Completion of this modification constitutes terminating action for this AD and the special door operating procedures required by paragraph A.2.b., above, may be deleted from the operator's maintenance program.

B. For those airplanes, specified in Boeing Alert Service Bulletin 747-52A2209, Revision 1, dated April 14, 1988:

1. Within 90 days after the effective date of this AD, perform the electrical latch lock system test on the lower lobe forward and aft cargo doors in accordance with paragraph III.A. of Boeing Alert Service Bulletin 747-52A2209, dated August 27, 1987, or Revision 1, dated April 14, 1988. Airplanes with doors that do not pass the above test must be repaired, prior to further flight, in accordance with FAA-approved procedures. The above test must be repeated at intervals not to exceed one year, until terminating action in accordance with paragraph B.2., below, is accomplished.

2. Within 24 months after the effective date of this AD, modify the lower lobe forward and aft cargo doors in accordance with paragraphs III.E. through III.L. of Boeing Alert Service Bulletin 747-52A2209, dated August 27, 1987, or Revision 1, dated April 14, 1988. Completion of this modification constitutes terminating action for this AD.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Seattle Aircraft Certification Office.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective July 1, 1988.

Issued in Seattle, Washington, on May 13, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-11331 Filed 5-19-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-173-AD; Amdt. 39-5936]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, which requires the incorporation of seal plates over the electrical wiring and hydraulic tubing cutouts on the body upper skin common to the vertical fin. This amendment is prompted by a recent analysis performed by the manufacturer that indicated a failure of the aft pressure bulkhead could lead to overpressurization of the vertical fin.

This condition, if not corrected, could lead to structural failure of the fin.

EFFECTIVE DATE: July 1, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara J. Baillie, Airframe Branch, ANM-120S; telephone (206) 431-1927. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires the incorporation of seal plates over the electrical wiring and hydraulic tubing cutouts on the body upper skin common to the vertical fin on certain Boeing Model 767 series airplanes, was published in the Federal Register on February 8, 1988 (53 FR 3603).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received.

The commenter, the Air Transport Association (ATA) of America on behalf of one of its member operators, requested that the compliance time for installation of the seal plates be extended from 12 months, as proposed, to 24 months, so that the installation could be performed during scheduled main base visits. Further, the commenter pointed out that this request is justified since there are other rulemaking actions currently in effect whose requirements are intended to reduce the risk of a bulkhead failure. Such other rulemaking actions include AD 86-19-07, Amendment 39-5402 (51 FR 30328; August 26, 1986), which requires intallation of a stronger access door for the opening within the empennage providing access to the vertical fin; and a proposed AD, Docket 88-NM-28-AD (53 FR 13288; April 22, 1988), which, if adopted, would require repetitive inspections of the aft pressure bulkhead.

The FAA does not concur with the commenter's request. Although the FAA is fully aware of other rulemaking mandated to protect against fin overpressurization in the case of an aft pressure bulkhead failure, it has determined that the modification required by this AD action is equally necessary to provide an acceptable level of safety. This modification must be accomplished in the shortest time period which does not impose undue burden on the operators. The FAA maintains that a 12-month compliance time will satisfy this requirement. Therefore, the compliance time in the final rule remains at 12 months, as proposed.

The final rule has been revised to remove all references to the use of "later FAA-approved revisions of the applicable service bulletin," in order to be consistent with FAA policy in that regard. The FAA had determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since later revisions of the service bulletin may be approved as an alternate means of compliance with this AD, as provided by paragraph B.

After careful review of the available data, including the comment noted above, the FAA has determined that safety and the public interest require the adoption of the rule with the change noted above.

It is estimated that 77 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $9,240.

The regulations set forth in this amendment are promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, or a substantial number of small entities, because few, if any, Model 767 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 767 series airplanes, listed in Boeing Service Bulletin 767-53-0025, dated June 4, 1987, certificated in any category. Compliance required within 12 months after the effective date of this AD, unless previously accomplished.

To prevent structural failure of the vertical fin in the event of a failure of the aft pressure bulkhead, accomplish the following:

A. Install seal plates over the electrical wiring and hydraulic tubing cutouts on the fin-to-body skin in accordance with Boeing Service Bulletin 767-53-0025, dated June 4, 1987.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Seattle Aircraft Certification Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of the AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacture may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective July 1, 1988.

Issued in Seattle, Washington, on May 13, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-11333 Filed 5-19-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-NM-02-AD; Amdt. 39-5937]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which requires the replacement of the aileron control cable grommets. This amendment is prompted by several reports of water freezing on the cables at the grommets, which caused the system to bind up. This condition, if not corrected, could lead to reduced roll controllability, or erratic operation of the lateral control system.

EFECTIVE DATE: July 1, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Scott F. Romer, Airframe Branch, ANM-120S; telephone (206) 431-1966. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires removing and replacing aileron cable grommets on Boeing Model 757 series airplanes, was published in the **Federal Register** on February 16, 1988 (53 FR 4418).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

One commenter expressed concern that the proposed modification, in requiring an increase in the size of the bore on the grommets, would result in excessive clearance for the aileron control cables; this could increase the cable wear by changing restraints for vibration that is suppressed by contact with the grommets. FAA does not agree, since the cable will have contact with the new grommets during normal flight, due to wing bending.

The other commenter suggested that the concern over cable freezing can be addressed by simply removing two grommets from each wing installation. This commenter stated that, in June 1986, it removed two grommets from each wing of the Boeing Model 757 series airplanes in its fleet, and since that time there have been no reports of aileron freezing problems; prior to the grommet removal, there were two incidents of aileron freezing in its fleet. The FAA does not agree with the commenter's suggestion, since there have been additional reports of cable binding occurring on airplanes after the removal of the two grommets per wing.

The final rule has been revised to remove all references to the use of "later FAA-approved revisions of the applicable service bulletin," in order to be consistent with FAA policy in that regard. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since later revisions of the service bulletin may be approved as an alternate means of compliance with this AD, as provided by paragraph B.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change noted above.

It is estimated that 90 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour and $81.20 for parts. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $57,708.

The regulations set forth in this amendment are promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities, because few, if any, Model 757 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the reguatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive.

Boeing: Applies to Model 757 series airplanes, listed in Boeing Service Bulletin 757-27-0079, Revision 1, dated June 25, 1987, certificated in any category. Compliance required within one year after the effective date of this AD, unless previously accomplished.

To prevent binding in the aileron control system, accomplish the following:

A. Modify the aileron control system in accordance with Boeing Service Bulletin 757-27-0079, Revision 1, dated June 25, 1987.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Seattle Aircraft Certification Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon requests to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900

Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective July 1, 1988.

Issued in Seattle, Washington, on May 13, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-11334 Filed 5-19-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 88-NM-53-AD; Amdt. 39-5932]

Airworthiness Directives; Bruce Industries, Inc., Ballasts, Part Number 05421-1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all aircraft equipped with Bruce Industries, Inc., ballasts, Part Number 05241-1, which requires installation of a fuse assembly to the electrical power wire leading to each affected ballast. This amendment is prompted by a recent report of fire in the passenger cabin of a Boeing Model 737-200 airplane, apparently due to the failure of the subject ballast. This condition, if not corrected, could result in a fire.

EFFECTIVE DATE: June 10, 1988.

ADDRESSES: The applicable service information may be obtained from Bruce Industries, Inc., P.O. Box 1700, Dayton, Nevada 89403, Attention: Contract Department. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Kuniyoshi, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6323.

SUPPLEMENTARY INFORMATION: An operator of a Boeing Model 737-200 series airplane reported an incident of a fire in the passenger compartment, necessitating the flight crew to declare an emergency. The fire was caused by the failure of a ceiling fluorescent light ballast, Bruce Industries, Inc., Part No. 05241-1 and HITCO Part No. 9000203-101. The ballast had shorted internally in an area where a coil winding and a resistor are mounted. If not detected and corrected, a failed fluorescent light ballast could cause arcing and sparks, resulting in a fire.

The FAA has reviewed and approved Bruce Industries, Inc., Alert Service Bulletin A05241-33-20-01, dated May 2, 1988, which describes procedures for installing a fuse assembly to the electrical power wire leading to each affected ballast. The FAA has also reviewed and approved HITCO Alert Service Bulletin A9000203-33-20-01, dated May 2, 1988, which lists the airplanes equipped with HITCO cabin interiors that incorporate the subject ballasts, and describes procedures for installation of the fuse. While a majority of the affected ballasts were installed through HITCO interior modifications, other installations are also affected.

Since this condition is likely to exist or develop on other aircraft on which the affected parts are installed, this AD requires modification of the fluorescent lighting systems, in accordance with service bulletins previously mentioned.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure herein are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulation set forth in this amendment is promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Bruce Industries, Inc.: Applies to all ballasts, Part Number 05241-1, as installed on, but not limited to, aircraft modified in accordance with Supplemental Type Certificate (STC) Numbers SA1081NW, SA1315NM, SA1952NM, SA3144NM, and SA4042WE; and Civil Aviation Authority Airworthiness Approval Note No. 17027, Issue 2. Compliance required as indicated.

Note: HITCO Alert Service Bulletin A9000203-33-20-01, dated May 2, 1988, lists specific aircraft modified in accordance with the referenced STC's; however, these ballasts may also be installed on other aircraft.

To prevent fire caused by shorted and sparking ballast, accomplish the following, unless already accomplished:

A. Within 30 days after the effective date of this airworthiness directive (AD), install a fuse assembly for each affected ballast in accordance with the accomplishment instructions of Bruce Industries, Inc., Alert Service Bulletin A05241-33-20-01, dated May 2, 1988.

Note: HITCO Alert Service Bulletin A9000203-33-20-01, dated May 2, 1988, is considered an approved equivalent modification.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Los Angeles Aircraft Certification Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to Bruce Industries, Inc., P.O. Box 1700, Dayton, Nevada 89403,

Attention: Contracts Department; or (for airplanes with HITCO cabin interiors) HITCO, 1600 West 135th Street, Gardena, California 90249, Attention: Contracts Department. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective June 10, 1988.

Issued in Seattle, Washington, on May 11, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-11329 Filed 5-19-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-159-AD; Amdt. 39-5935]

Airworthiness Directives; McDonnell Douglas Model DC-9-30, DC-9-41, DC-9-51, DC-9-81, DC-9-82, and DC-9-83 Series Airplanes, Equipped with Hydro-Aire Auto Brake Control Units Part Numbers 42-409, 42-409-1, 42-639, 42-639-1, 42-809, or 42-839

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas DC-9-30, DC-9-41, DC-9-51, DC-9-81, DC-9-82, and DC-9-83 series airplanes, which requires modification of the Auto Brake Control Unit. This amendment is prompted by reports of the Auto Brake System (ABS) being inadvertently disarmed due to electrical power interruptions or transients. This condition, if not corrected, could lead to the loss of automatic braking capability, which may cause the airplane to overrun the runway during a rejected takeoff.

EFFECTIVE DATE: July 1, 1988.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L65 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Alan T. Shinseki, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6323.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) which requires the modification of Hydro-Aire Auto Brake Control Units, Part Numbers 42-409, 42-409-1, 42-639, 42-639-1, 42-809, or 42-839, installed on certain McDonnell Douglas Model DC-9-30, DC-9-41, DC-9-51, DC-9-81, DC-9-82, and DC-9-83 series airplanes, was published in the **Federal Register** on January 8, 1988 (53 FR 515). The comment period for the proposal closed March 8, 1988.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The Air Transport Association (ATA) of America, on behalf of its member operators, stated that the proposed rule was not warranted since fight crews are trained to respond to an Auto Brake disarm condition with timely application of the manual brakes. The FAA disagrees. While flight crews may be trained to respond immediately to a recognized abnormal condition, the FAA has determined that timely recognition of an Auto Brake disarm condition, occurring infrequently, may not be consistently detected by the flight crew during the high stress situation of a rejected takeoff.

This commenter also stated that, based on one member's large fleet size, vendor turnaround time to modify the subject Auto Brake Control Units will require 18 months to complete, and requested that the proposed compliance period be revised accordingly. The FAA disagrees with an 18-month complaince period and considers that a 12-month compliance requirement is appropriate, based upon the anticipated effective date of this rule and availability of parts.

This commenter also stated that the proposed rule should not affect those airplanes having de-activated Auto Brake Systems. The FAA disagrees. While operators may continue to dispatch with the Auto Brake System inoperative under the present DC-9 MEL provisions, the requirements of this rule must be applicable to all airplanes with the system installed.

The final rule has been revised to remove all references to the use of "later FAA-approved revisions of the applicable service bulletin," in order to be consistent with FAA policy in that regard. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since later revisions of the service bulletin may be approved as an alternate means of compliance with this AD, as provided by paragraph B.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with the change previously described.

It is estimated that 340 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estiamted to be $54,400.

The regulations set forth in this amendment are promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities, because few, if any, McDonnell Douglas Model DC-9-30, DC-9-41, DC-9-51, DC-9-81, DC-9-82, or DC-9-83 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to Models DC-9-30, DC-9-41, DC-9-51, DC-9-81, DC-9-82, and DC-9-83, series airplanes; equipped with Hydro-Aire Auto Brake Control Units, Part Numbers 42-409, 42-409-1, 42-639, 42-639-1, 42-809, or 42-839; certificated in any category. Compliance required as indicated, unless previously accomplished.

To eliminate inadvertent disarming of the Auto Brake System following exposure to momentary electrical power interruptions or transients, accomplish the following:

A. Within 12 months after the effective date of this airworthiness directive (AD), modify the Hydro-Aire Auto Brake Control Units, Part Numbers 42-409, 42-409-1, 42-639, 42-639-1, 42-809 or 42-839, in accordance with the Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletin 32-216, dated September 24, 1987.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Los Angeles Aircraft Certification Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L00 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, Calfornia.

This Amendment becomes effective July 1, 1988.

Issued in Seattle, Washington, on May 13, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-11332 Filed 5-19-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-ASW-20; Amdt. 39-5926]

Airworthiness Directives; Schweizer Aircraft Corporation (Hughes) Model 269C Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which reduces the service life limit of certain tail rotor retention strap assemblies from 5,100 hours to 3,540 hours on Schweizer Aircraft Corporation Model 269C helicopters. The AD is needed to prevent continued use of these parts beyond the life limit of 3,540 hours which could result in failure of the tail rotor retention strap assembly and loss of the helicopter.

EFFECTIVE DATE: June 10, 1988.

Compliance: As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Mr. Lester Lipsius, FAA, New York Aircraft Certification Office, ANE-172, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-6220.

SUPPLEMENTARY INFORMATION: The FAA had determined that stainless steel retention strap assemblies, Part Numbers (P/N) 269A6065 and 369A1706, used on Schweizer Model 269C helicopters were improperly processed during manufacture. The original 5,100-hour service life was based upon fatigue tests of straps with reamed rivet holes in the strap pack laminates. All strap packs manufactured between 1968 and 1984 has as-sheared rivet holes. Fatigue tests of strap packs with as-sheared holes substantiated a fatigue life of 3,540 hours. All such parts in service which have exceeded 3,540 hours' time in service must be removed from service. Schweizer P/N's 369A1706-505 and 369A1706-507 are replacement parts with reamed rivet holes in current production with a life limit of 5,100 hours. Since this condition is likely to exist or develop on other helicopters of the same type design, and AD is being issued which requires removal from service of tail rotor retention strap assemblies, P/N's 269A6065 and 369A1706, that have accumulated 3,540 hours' or more time in service.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations set forth in this amendment are promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends § 39.19 of Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Schweizer Aircraft Corporation (McDonnell Douglas Helicopter Company; Hughes Helicopter, Inc.): Applies to Model 269C helicopters certificated in any category, equipped with tail rotor retention strap assemblies, P/N 269A6065 and P/N 369A1706.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the tail rotor retention strap assembly which could result in loss of the helicopter, accomplish the following:

(a) Within the next 10 hours' time service after the effective date of this AD, or upon the accumulation of 3,540 hours' time in service, whichever occurs later, remove tail rotor retention strap assemblies, P/N 269A6065 and P/N 369A1706, from service.

(b) Replace P/N 269A6065 and P/N 369A1706 with serviceable parts.

(c) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(d) Alternative inspection, modification, or other actions which provide an equivalent level of safety may be used when approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

This amendment becomes effective June 10, 1988.

Issued in Forth Worth, Texas, on May 6, 1988.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 88-11311 Filed 5-19-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-ASW-18, Amdt. 39-5927]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Model AS 355 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which provides for repetitive inspections, checks, and replacement, as necessary, of main gearbox suspension bars on Aerospatiale Model AS 355 series helicopters. This amendment is needed to clarify that the pilot can conduct the visual check of the marking tape.

DATES: *Effective Date:* June 8, 1988.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, ATTN: Customer Support.

A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: John Varoli, Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, APO NY 09667, telephone No. 513.38.30 or R. T. Weaver, Rotorcraft Standards Staff, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0111, telephone (817) 624-5122.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-5651 (52 FR 24142; June 29, 1987); AD 87-13-05, which currently requires repetitive inspections, checks, and replacement, as necessary, of main gearbox suspension bars on Aerospatiale Model AS 355 series helicopters. After issuing Amendment 39-5651, the FAA has determined that clarification was needed to explain that pilots may conduct the visual checks of the marking tapes. Therefore, the FAA is amending Amendment 39-5651 by clarifying that pilots may conduct the visual checks of the marking tapes on the suspension bars as described in paragraph (b)(1) of AD 87-13-05.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

This amendment is promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that this amendment does not have federalism implications warranting the preparation of a Federalism Assessment.

The FAA has determined that this regulation only involves 150 aircraft and imposes no cost. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending Amendment 39-5651 (52 FR 24142; June 29, 1987), AD 87-13-05, by revising paragraph (b)(1) to read as follows:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to Aerospatiale Model AS 355 series helicopters certificated in any category.

* * * * *

(b) * * *

(1) Check that the edge of the tape is in line with the anchoring lug surface as shown in Figure No. 2. This check may be conducted by the pilot. The person performing this check shall make appropriate entries of the results of the check in the aircraft records.

* * * * *

This amendment becomes effective June 8, 1988.

This amendment amends Amendment 39-5651 (52 FR 24142; June 29, 1987), AD 87-13-05.

Issued in Forth Worth, Texas, on May 6, 1988.

R.G. Knight,

Acting Director, Southwest Region.

[FR Doc. 88-11312 Filed 5-19-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 87F-0287]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers For Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the use of poly[[6-(1,1,3,3-tetramethylbutyl)amino]-*s*-triazine-2,4-diyl] [(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene[(2,2,6,6-tetramethyl-4-piperidyl)imino]] as a stabilizer in polyethylene and in olefin copolymers used in the manufacture of articles or components of articles intended for food-contact use. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective May 20, 1988; objections by June 20, 1988.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 2, 1987 (52 FR 37018), FDA announced that a petition (FAP 7B4021) had been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-*s*-triazine-2,4-diyl][(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene[(2,2,6,6-tetramethyl-4-piperidyl)imino]] as a stabilizer for polyethylene and olefin copolymers used in the manufacture of articles or components of articles intended for food-contact use.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the food additive is safe for this use, and that the regulations should be amended in 21 CFR 178.2010(b) as set forth below. This substance is already listed for certain uses in polypropylene and polyethylene.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any time on or before June 20, 1988 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 178.2010 is amended in paragraph (b) by revising item 3 under "Limitations" in the entry for "Poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-*s*-triazine-2,4-diyl] [(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene[(2,2,6,6-tetramethyl-4-piperidyl)imino]]" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* * *
Poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-*s*-triazine-2,4-diyl] [(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene[(2,2,6,6-tetramethyl-4-piperidyl)imino]] (CAS Reg. No. 70624–18–9).	For use only: * * * 3. At levels not to exceed 0.3 percent by weight of polyethylene that has a density less than 0.94 gram per cubic centimeter complying with § 177.1520 of this chapter, items 2.1, 2.2, and 2.3, and of olefin polymers and copolymers complying with items 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, and 4. The finished polymers are to contact food only under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter, and when contacting fatty foods of Types III, IV–A, V, VII–A, and IX described in Table 1 of § 176.170(c) of this chapter, the finished articles are to have a volume of at least 18.9 liters (5 gallons).
* * *	* * *

Dated: May 6, 1988.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88–11380 Filed 5–19–88; 8:45 am]

BILLING CODE 4160–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 3378–8]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is approving a revision to the Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2) for the Ohio Power, Muskingum River Power Plant located in Morgan and Washington Counties. This action consists of: (1) Revising the federally promulgated emission limitation of 6.48 pounds of SO_2 per million British Thermal Units (lbs/MMBTU) and replacing it with two separate emission limits for the plant;

and (2) approving stack gas sampling (as specified in 40 CFR Part 60, Appendix A, Method 6) as the exclusive method for determining compliance with the SO_2 emission limitations.

USEPA is approving an emission limit of 8.6 lbs/MMBTU to protect the primary National Ambient Air Quality Standards (NAAQS) with a compliance date of June 17, 1980. In addition, USEPA is approving an emission limitation of 7.6 lbs/MMBTU to protect the secondary NAAQS with a compliance date of July 1, 1989.

This revision is based on a USEPA modeling analysis and monitoring data submitted by the State of Ohio. The analysis demonstrates that this revision will nto interfere with the attainment and maintenance of the SO_2 NAAQS.

EFFECTIVE DATE: This final rulemaking becomes effective on June 20, 1988.

ADDRESSES: Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Debra Marcantonio, at (312) 886–6088, before visiting the Region V Office.).

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, EPA, 401 M Street SW., Washington, DC 20460

Ohio Environmental Protection Agency, Office of Air Pollution Control, 1800 WaterMark Drive, Columbus, Ohio 43216

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, (312) 886–6088.

SUPPLEMENTARY INFORMATION: On April 8, 1982, and November 8, 1982, Ohio Environmental Protection Agency (OEPA) requested revisions to the SO_2 SIP for the Ohio Power, Muskingum River Power Plant. The State requested that USEPA revise the federally promulgated emission limitation of 6.48 pounds of SO_2 per million British Thermal Units (MMBTU) and approve two separate emission limitations for the plant.

The State requested an emission limit of 8.6 lbs/MMBTU to protect the primary National Ambient Air Quality Standards (NAAQS), with a compliance date of June 17, 1980. The compliance date for the Federal emission limitation was October 14, 1982. Since the State's compliance date for the revised primary limit was earlier than the date USEPA had already established as consistent with the minimum requirements of Section 110(a)(2), the Agency is approving the State's date.

In addition, the State requested an emission limitation of 7.6 lbs/MMBTU to protect the secondary NAAQS, with a compliance date of July 1, 1989. Section 110(a)(2)(A) of the Clean Air Act requires attainment of a secondary NAAQS within a reasonable period of time. A "reasonable time" for secondary NAAQS attainment is defined in 40 CFR 51.110 as follows: Reasonable time will depend on the degree of emission reduction needed for attainment of the secondary standard and on the social, economic, and technological problems involved in carrying out a control strategy adequate for attainment of the secondary standard. The State's submittal shows, based on specific environmental and economic justification, that good cause exists for establishing the July 1, 1989, date. Further discussion of the State's justification is contained in the docket. (The federally established attainment date contained in 40 CFR 52.1875 remains in effect as to the primary NAAQS.)

Ohio also submitted a compliance schedule for the secondary emission limit as required by Title 40 Part 51 of the Code of Federal Regulations. Parts 51.110. 51.260–51.262 require that attainment plans contain compliance schedules which provide for legally enforceable increments of progress toward compliance. USEPA has reviewed this schedule and feels it contains appropriate increments of progress leading to attainment of the secondary SO_2 NAAQS within a reasonable period of time.

As a result of approving these two separate emission limitations and compliance dates, the primary limit of 8.6 lbs/MMBTU will be in effect until July 1, 1989, when the secondary limit of 7.6 lbs/MMBTU becomes effective.

On September 25, 1984 (49 FR 37644), USEPA proposed to approve the revised emission limits for the Muskingum River Plant. A discussion of the modeling analysis which supports this revision is contained in the notice of proposed rulemaking and the technical support documents for this revision. The modeling techniques used in the demonstration supporting this revision are generally based on the modeling guidelines in place at the time the analysis was performed, i.e., USEPA's 1978 guidelines. Since that time, USEPA has promulgated a revision to the guidelines. Because the modeling was completed prior to the September 9, 1986, date of publication of the revised guidance, USEPA can accept the analysis as it stands. Additionally, the supporting monitoring data is discussed in the State's report entitled "Muskingum River Plant Supplementary Technical Support Document". These documents are contained in the docket for this rulemaking and are available at the Region V office.

On November 12, 1986, Ohio submitted an additional revision to the SIP. This revision, in the form of an Administrative Order, specified that stack gas sampling (as specified in 40 CFR Part 60, Appendix A, Method 6) is the exclusive test method for determining compliance with the revised emission limitations. On November 18, 1987 (52 FR 44152), USEPA proposed to approve this revision. In the notice of proposed rulemaking, USEPA stated that a stack test is acceptable as the sole compliance test method because: (1) The current federally enforceable test method for this source is a stack test; and (2) this method will provide the necessary short-term data to assess compliance with the associated short-term emission limits (as proposed for approval on September 25, 1984) and the short-term SO_2 NAAQS.

Stack Height Credit

On July 8, 1985, (50 FR 27892), USEPA promulgated Stack Height Rules, pursuant to section 123 of the Clean Air Act. These rules do not apply to stack heights "in existence" before December 31, 1970. A stack is "in existence" if the owner or operator had by December 31, 1970: (1) Begun a continuous program of physical on-site construction of the stack; or (2) entered into a binding agreement or contractual obligation, which could not be cancelled or modified without substantial loss, to undertake a program of stack construction to be completed within a reasonable time.

On June 13, 1984, Ohio Power provided dated copies of original construction project status sheets which show that the two existing stacks at the Muskingum River Plant were under construction prior to December 31, 1970. Thus, the physical stack height for these two stacks is not subject to the Stack Height Rules and is fully creditable. It should also be noted that one of the existing stacks replaced three shorter stacks. A USEPA memo entitled "Determining Stack Heights "In Existence" Before December 31, 1970", dated October 28, 1985, states that USEPA will rely on the "in existence" definition to evaluate credit for merged stacks. Under this definition, the three stacks were merged before December 31, 1970, and thus, merged stack credit is allowed.

Public Comment

In response to the September 25, 1984, notice of proposed rulemaking, comments were submitted by the Natural Resources Defense Counsel (NRDC) and the Ontario Ministry of the Environment. The Ohio Power Company submitted comments in response to NRDC's and Ontario's comments. These comments and USEPA's response are summarized below. No comments were received in response to USEPA's November 18, 1987, notice of proposed rulemaking regarding the compliance method.

Comment: The Ontario Ministry of the Environment argued that the SIP revision should be denied because: (1) the Muskingum River Plant was cited by Ontario on two previous occasions as being a major source of SO_2, (2) SO_2 causes" * * * damage to the ecosystem * * *", including possible forest dieback, and (3) denial of the revision would be honoring the United States Government's commitment in the Memorandum of Intent to combat Transboundary Air Pollution.

Response: USEPA acknowledges that the Muskingum River Plant is a major source of SO_2 and that SO_2 concentrations above the primary and secondary NAAQS pose a threat to the public health and welfare. In the Memorandum of Intent to which the commenter refers, the United States committed to abide by the terms of the Clean Air Act and to ensure that the NAAQS for sulfur dioxide were protected. As stated in the September 25, 1984, notice, USEPA reviewed the revision for consistency with section 110 of the Clean Air Act, including the section 110(a)(2)(E) interstate impact requirements. The modeling was limited to a 50 km radius around the Muskingum River plant, the useful distance to which most gaussian models are considered accurate.

As explained more throughly in the technical support document applicable to USEPA's proposal, the applicable USEPA reference models demonstrated that 3-hour and 24-hour ambient SO2 concentrations would decrease markedly within a short distance from the plant and fall well below the corresponding ambient standards. Therefore, in USEPA's judgement, the revision would not contribute substantially to SO2 nonattainment in either nearby West Virginia or more distant States.

Comment: The NRDC urged USEPA to disapprove the proposed emission limitations and the proposed secondary standard attainment date. NRDC objected to the use of block averages in the modeled attainment demonstration. NRDC argued that:

(i) Block averages are not consistent with the definition of the NAAQS and would permit exposures to harmful air quality concentrations;

(ii) Running averages are consistent with USEPA guideline documents;

(iii) The validity of running averages were upheld by a recent court decision, and reaffirmed by a USEPA legal opinion of that court decision;

(iv) A recent USEPA policy memorandum which dictates the use of block averages offered on rational or reasonable basis for its recommendation; and,

(v) The proposed emission limits provide no margin of safety and may in fact pose a threat to the public health and welfare since the predicted block concentrations are equal to or just below the NAAQS and block averages (by USEPA's own previous admission) may be 30–40% less than running averages.

Response: It is USEPA's position that the current 24-hour and 3-hour SO_2 NAAQS are block average standards because of their original derivation; the limitations of monitoring, modeling, and computational capabilities extant at the time the standards were set; evidence that the earliest interpretation of the standards by the Agency contemplated and accepted determinations based on block averages; USEPA's monitoring guidance; and by the Agency's general practice since that time.

A March 28, 1986 memorandum from Gerald Emison, Director of the Office of Air Quality Planning and Standards to the regional Air Directors states that "past Agency policy has been to use block averages in implementing the 3-hour and 24-hour SO_2 NAAQS".[1]

The rationale for this position is contained in an OAQPS Staff Paper, entitled "Proper Interpretation of the Averaging Convention for the National Ambient Air Quality Standards for Sulfur Oxides", dated March 1986. The paper explains that limitations of monitoring, modeling, and computational abilities extant at the time the standards were set; evidence that the earliest interpretation of the standards by the Agency contemplated and accepted determinations based on block averages; USEPA's monitoring guidance and the Agency's general practice since that time lead to the conclusion that is expressed in the Emison memorandum.

Additionally, in a memorandum from Kathleen Bennett (then Assistant Administrator for Air, Noise, and Radiation) dated December 24, 1981, it was stated that following the decision in PPG Industries, Inc. v Costle, 659 F.2d 1239 (D.C. Cir. 1981) it is unnecessary "* * * to examine running average data to insure attainment and maintenance of the 24-hour (SO_2) NAAQS".

The use of modeled block averages in the Muskingum River attainment demonstration is consistent with the position expressed in the documents mentioned above.

With respect to NRDC's concern that the proposed emission limits provide no margin of safety and may in fact pose a threat to the public health and welfare, section 109 of the Clean Air Act requires that when establishing a national primary ambient air quality standard, a margin of safety must be built into the standard. This, of course, occurred when the NAAQS for SO_2 was promulgated. Therefore, because the emission limitation for the Muskingum River Power Plant is demonstrated to achieve the SO_2 standard, the Act's requirement for a margin of safety is satisfied.

Comment: NRDC argued that USEPA ignored previous modeling analyses, using 1964 meteorological (MET) data which showed 3-hour violations at the proposed emission limits. NRDC stated that ignoring these analyses violates the law, Agency policy, and an opinion from the Office of General Counsel (OGC).

(i) Legal Duty—NRDC stated that the law required USEPA to ensure attainment and maintenance of the NAAQS. This requires USEPA to insist on some minimum period of MET data in modeling for demonstrating attainment. Although Agency policy requires a minimum of 5 years of data, NRDC claimed that USEPA has a legal duty to consider additional available valid data.

(ii) Agency Policy—In addition to the 5 year data requirement, NRDC claimed that Agency policy does not allow excluding valid data which show violations just because it represents more than the minimum 5 years of data.

(iii) USEPA Opinion—NRDC pointed to a previous letter from USEPA's OGC which stated that the previous analyses using 1964 data are valid and can be used to determine emission limitations. NRDC also noted a USEPA memorandum which stated that the

[1] However, there have been limited circumstances in the past where running averages have been employed in evaluating SO_2 SIP's for attainment and maintenance of the NAAQWS. In the enforcement context, in cases where supplementary control systems (SCS) were used as an interim measure to protect the NAAQS at primary copper smeltors, USEPA has entered into consent decrees where running averages were specified. See e.g. US. v. Phelps Dodge Corporation Civil No. 81-088-TUC-MAR (D. Ariz.)

different blocking procedures used in the previous analyses is not technically wrong.

Response: In implementing a block average system, it is necessary that a consistent set of block periods be used. Consequently, all models currently block the hours the same in computing 24-hour and 3-hour average concentrations, and the meteorological data files pre-processed by USEPA currently define each hour (i.e., which hour corresponds to each National Weather Service (NWS) observation) in the same way. The current convention is to use hours 1–3, 4–6, etc., to compute 3-hour averages and hours 1–24 to compute 24-hour averages and to assign the NWS observation (taken at approximately 10 minutes before each hour) to the hour during which it is taken. (The previous modeling referred to in NRDC's comments relied on a different blocking convention—i.e., the NWS observation was assigned to the following hour.)

As noted in an October 17, 1984, memorandum, from M. Koerber to the Files (Docket), USEPA did consider 1964 MET data (blocked according to the current convention) in supporting the proposed emission limitations. Further modeling analyses with the 1964 data (current blocking convention), performed along with the 1972–1975, 1977 data analysis, which also support the proposed emission limitations are contained in the record. The previous modeling (previous blocking convention) cited by the commenter was not considered only because of the inconsistency in the blocked periods. Under current modeling practice use of both blocked periods would be logically inconsistent. Thus, in accordance with the current blocking convention, USEPA based its judgment on the appropriate data and analysis.

Comment: NRDC argued that the use of highest, second high short-term concentrations in the attainment demonstration is incorrect. NRDC cited USEPA guideline documents and the air quality standards as requiring the use of the overall second highest concentration for a well-defined single source which dominates a group of receptors. NRDC further argued that since USEPA models are less accurate in identifying the precise location where high concentrations will occur, USEPA has no adequate basis for asserting that two exceedances will not, in fact, occur at the same location.

Response: USEPA's "Guideline on Air Quality Models" (April 1978) makes it clear that the design concentration is to be based on the highest of the second-high concentrations. As stated in that document, this type of estimate is more consistent with the criteria for determining violations of the NAAQS, which are identified in "Guidelines for Interpretation of Air Quality Standards". NRDC's claim that the "Guidelines for Interpretation of Air Quality Standards" requires the second highest overall, rather than the highest, second-high, does not apply here. The Guideline specifies using the second highest only in the "* * * special cases of Supplementary Control Systems (monitoring) networks * * *". Otherwise, the highest, second-high approach is appropriate.

It should also be noted that the second high procedure identified by NRDC is illogical. NRDC concedes that one exceedance is allowed by the definition of the short-term NAAQS, but that a second exceedance (anywhere, anytime) is not allowed. Because the size of any modeled exceedance area is not restricted to a single point, NRDC's approach is, for all practical purposes, equivalent to a "no-exceedance" system. That is, if one receptor is modeled to be over the standard, then another close-by receptor can, in almost all instances, be found that is also over the standard. Thus, the only way to ensure attainment under NRDC's approach is either to narrow the exceedance area to a single point (which is nearly impossible) or to never allow any exceedance (anywhere, anytime), which contradicts the definition of the standard. It should also be noted that NRDC's approach would also be inconsistent with the way USEPA determines compliance for attainment and redesignation purposes.

Comment: NRDC implied that the attainment demonstration was incomplete since concentrations resulting from fumigation and downwash were not accounted for.

Response: No refined reference methods are available for calculating impacts under inversion break-up fumigation conditions. Thus these conditions are usually not considered in SIP attainment demonstrations. Furthermore, NRDC has provided no evidence to show that such conditions would result in violations of the NAAQS under the proposed emission limitations. As for downwash effects, stack-tip downwash is not expected to be a problem in view of the high (23–34 meters/second) stack exit velocities; and building downwash is not expected to be a problem in view of the tall stack heights (252 meters). The surrounding terrain does not create any downwash problems.

Comment: NRDC argued that Ohio has not adequately supported the proposed secondary attainment date for the following reasons:

(i) Since the plant is located in a nonattainment area, Part D of the Act is applicable. Part D requires attainment as expeditiously as practicable. Ohio has failed to not only demonstrate that secondary attainment is impractical prior to 1989, but also that 1989 constitutes a "reasonable time" pursuant to section 110.

(ii) USEPA regulations require attainment within 3 years, unless a showing is made that attainment would require measures beyond RACT or that good cause exists for delaying application of RACT. Ohio has failed to make either of these two showings.

Response: USEPA's rationale for proposing to approve the secondary attainment date is discussed in the September 25, 1984 Notice of Proposed Rulemaking and in the docket.

Today's approval of the State emission limits for Muskingum is being promulgated pursuant to section 110 due to the fact that it is the initial SIP for the area replacing the 1976 plan promulgated by USEPA under section 110. The federally promulgated limit for Muskingum of 6.48 lb/MMBTU has been in effect since 1976, and thus the limits being approved today are the initial federally approved State submitted limits for this plant. For these reasons, and due to the fact that the SIP approved today assures attainment of the standards, USEPA believes that a Part D SIP is not required, even though the area is currently designated nonattainment for the secondary standard. (Note: The State promulgated limits reflect the fact that the 6.48 lb/MMBTU federal limit may have been more stringent than necessary to assure attainment and maintenance of the SO_2 NAAQS. Further, the 1978 designation of the area around the Muskingum plant as nonattainment for the secondary standard was premised on the fact that actual emissions were in excess of the FIP limit.)

For these reasons, USEPA has judged the state submission against Section 110's requirement that the SIP provide for attainment of the secondary standard within a reasonable time. This limit, in USEPA's judgment does provide for attainment of the secondary NAAQS within a reasonable time. USEPA regulations generally define a reasonable time as three years (40 CFR 51.110(c)). In this case Ohio specified a period which initially appeared to be longer than three years, and provided a demonstration that good cause for the later date existed, and USEPA proposed to accept Ohio's showing that "good

cause" existed for postponing compliance beyond three years.[2]

No comments filed in response to the proposal justify a change from USEPA's acceptance of the State showing. In any event, as the compliance date Ohio selected, July 1, 1989, is now less than eighteen months away, and, therefore, far less than three years from approval, USEPA believes that there is good cause for concluding that, as a practical matter the compliance date is the most expeditious date that is reasonable. After all, at this point the State could not practically complete a new rulemaking to advance the compliance date significantly from July 1, 1989, and USEPA assumes that retroactive compliance date would not be viable under state law.

Thus, under the rules implementing section 110, this compliance date provides for attainment of the secondary standard within a reasonable time.

The commenter urged that this SIP revision should be reviewed under Part D, rather than section 110, and that, as a consequence, it should be disapproved. As described above, USEPA judges this revision to have been properly submitted and approvable under section 110. However, even under the Part D, "expeditiously as practicable" requirement for attainment, this revision would be approvable. USEPA judges that given the remaining time until the compliance date, and the "good cause" showing made by the state, an earlier compliance date would not be practicable.

Comment: Ohio Power Company submitted comments in response to NRDC's and Ontario's comments. Ohio Power argued that NRDC's comments on block v. running averages, the exclusion of 1964 MET data, and design concentration have no merit. Ohio Power stated that Ontario's comments provided no basis for USEPA to do anything, other than to finalize the proposed regulations.

Response: USEPA acknowledges Ohio Power's comments and, as the responses above indicate, essentially agrees that the proposed SIP revision satisfies the requirements of section 110 of the Clean Air Act, and thus, should be approved.

[2] Ohio's "good cause" showing was submitted in compliance with 40 CFR 51.13(b)(2). Since the proposed approval appeared in the Federal Register, Part 51 has been recodified. The successor provision to § 51.13(b)(2) is § 51.110(c)(2)(ii).) While the specific language requiring a "good cause" showing has been deleted, the underlying criteria remain the same, and USEPA believes that the State submission satisfies § 51.110(c)(2)(ii).

Final Action

USEPA is approving the 8.6 lbs/MMBTU SO_2 emission limit to protect the primary NAAQS and the compliance date of June 17, 1980. USEPA is also approving the 7.6 lbs/MMBTU SO_2 emission limit to protect the secondary NAAQS, along with the compliance schedule and the July 1, 1989, compliance date. Finally, USEPA is approving stack gas sampling (as specified in 40 CFR Part 60, Appendix A, Method 6) as the exclusion method for determining compliance with the revised State SO_2 emission limits.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Sulfur dioxide.

Note—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1982.

Dated: May 1, 1988.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7462.

2. Section 52.1870(c) is amended by adding paragraph (c)(70) as follows:

§ 52.1870 Identification of plan

* * * * *

(c) * * *

(70) On April 8, 1982, June 22, 1982, November 8, 1982, May 24, 1985, and November 12, 1986, the Ohio Environmental Protection Agency submitted a revision to the sulfur dioxide SIP for the Ohio Power Muskingum River Power Plant located in Morgan and Washington Counties. USEPA approves an emission limit of 8.6 lbs/MMBTU to protect the primary NAAQS with a compliance date of June 17, 1980. In addition, USEPA approves an emission limit of 7.6 lbs/MMBTU to protect the secondary NAAQS with a compliance date of July 1, 1989.

(i) Incorporation by reference:

(A) Ohio Administrative Code (OAC) rule 3745–18–03(C)(3)(gg)(vi) effective in Ohio December 28, 1979; rule 3745–18–64(B) and rule 3745–18–90(B) effective in Ohio on October 1, 1982.

(B) Director's Final Findings and Orders dated October 18, 1982, before the Ohio Environmental Protection Agency.

(C) Director's Findings and Order dated November 18, 1986, before the Ohio Environmental Protection Agency.

(ii) Additional information.

(A) Technical Support Document for emission limitations including dispersion modeling for the Muskingum River Plant submitted by the State on April 8, 1982.

(B) Muskingum River Plant Supplementary Technical Support Document submitted by the State on June 22, 1982.

(C) Air Monitoring Data submitted by the State on June 22, 1982.

3. Section 52.1881 is amended in paragraph (a)(4) by revising the entries for Morgan County and Washington County and in paragraph (a)(8) by revising the entry for Washington County and removing the entry for Morgan County to read as follows:

§ 52.1881 Control Strategy: Sulfur oxides (sulfur dioxide).

(a) * * *

(4) * * * Morgan County, * * * Washington County (except Shell Chemical), * * *

* * * * *

(8) * * * Washington County (Bergstrom Paper and Miami Paper), Pike County (Portsmouth Gaseous Diffusion Plant), * * * Washington County (Shell Chemical Company), * * *

* * * * *

[FR Doc. 88–10626 Filed 5–19–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 85–388; RM 5167; FCC 88–154]

Amendment of Sections of Part 22 of the Commission's Rules as They Apply to Applications To Serve Rural Service Areas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In a Fourth Report and Order, the FCC amends Part 22 of its rules to require non-wireline applicants proposing to provide cellular radio service to Rural Service Areas (RSAs) to submit a financial qualification showing with each RSA application. All non-wireline RSA applicants must demonstrate that they have the funds available or that they have received a firm financial commitment from a qualified lender to provide sufficient funds to cover the costs of construction, operation, and other initial expenses for one year. The Report and Order sets forth criteria for determining whether a source of financing would be qualified, and provides specific terms that must be included in any firm financial commitment letter relied on by an RSA applicant. Provisions have also been made to accommodate those applicants intending to rely on financing obtained through a parent corporation; and for those applicants intending to file applications proposing cellular service for more than one RSA. This action is taken in response to the overwhelming number of speculative non-wireline applications filed in previous cellular lotteries. The intent of this action is to ensure that only financially qualified, sincere entities will apply for cellular RSA licenses.

EFFECTIVE DATE: June 20, 1988.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sari Greenberg, Mobile Services Division, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Fourth Report and Order* adopted April 21, 1988 and released May 18, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Fourth Report and Order

1. On February 19, 1988, the Commission released a *Third Notice of Proposed Rulemaking*, 53 FR 5020 (1988), in this proceeding, proposing to amend § 22.917 of the Rules to require applicants proposing to provide cellular radio service to Rural Service Areas (RSAs), to demonstrate a firm financial commitment at the time they filed their applications. The Commission carefully considered the comments and adopted a *Fourth Report and Order* which requires non-wireline RSA cellular applicants to include a satisfactory financial qualification showing with each application. Non-wireline applications that do not include satisfactory financial showings will be disqualified.

2. In order to be deemed financially qualified, non-wireline applicants must submit either certified financial statements indicating the availability of sufficient net current assets to construct and operate the proposed cellular system for one year, and a balance sheet dated within 60 days of the application filing date indicating continued availability of the same; or they must submit a firm financial commitment from a qualified source of financing. Qualified lenders with respect to this section of the Commission's Rules are: (1) State or federally chartered banks or savings and loan institutions; (2) other recognized financial institutions; or (3) financial arms of capital equipment suppliers. The FCC indicated that it would require questionable lenders to demonstrate that they have the funds available to cover the total commitments they have made. Applicants intending to rely on financing from a parent corporation must submit certified financial statements and balance sheets as they apply to the parent corporation.

3. Firm financial commitment letters from third parties must state that the lender has examined the creditworthiness of the particular applicant and the financial viability of the proposed project. Commitment letters must also state that the lender is committed to lend a sum certain to that applicant and that the lender's willingness to enter into the commitment is based solely on its relationship with the applicant and is no in any way guaranteed by any entity other than the applicant. The same firm financial commitment may be used for each application filed, subject to certain requirements specified in § 22.917(c)(1), as amended.

4. The objective of these amendments is to discourage speculative applicants from applying for RSA cellular licenses, and to ensure that only financially qualified, sincere applicants do apply. The FCC concluded that there is no evidence of abuse of the licensing process by wireline carriers, and thus noted that wireline applicants would be required to show their financial qualifications within 30 days of the public notice announcing their status as tentative selectee, sole applicant, or surviving entity in a full market settlement, as required by the current rules.

5. *Final Regulatory Flexibility Analysis.* Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the FCC expects this action to deter speculative applications and to ensure that only those who are financially qualified to construct and operate cellular systems will apply for RSA cellular licenses. The FCC noted that it adopted specific requirements for obtaining financing under a variety of circumstances in order to allow sincere non-wireline applicants flexibility in structuring their financing. The FCC considered alternative approaches, and concluded that there are no specific alternatives that would maintain the integrity of the licensing procedure by ensuring that only sincere applicants with the desire and means to construct cellular systems would apply for RSA cellular licenses.

6. *Service List.* A copy of this Report and Order shall be sent to the Chief, Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 22

Communications common carriers, Radio, Rural areas.

Federal Communications Commission

H. Walker Feaster III,

Acting Secretary.

Rules Section

Part 22 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 22—PUBLIC MOBILE SERVICE

1. The authority citation continues to read:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended (47 U.S.C. 154, 303).

2. Section 22.917 is amended by redesignating paragraphs (c) and (d) as (d) and (e) and adding a new (c) to read as follows:

§ 22.917 Demonstration of financial qualifications.

* * * * *

(c) *Rural Service Areas.* (1) A non-wireline applicant for a new station shall demonstrate, at the time it files its application that it has either a firm financial commitment or available financial resources necessary to construct and operate for one year its proposed cellular system. The firm financial commitment may be contingent on the applicant obtaining a construction permit. The same commitment may be used for each

application filed, subject to the following provisions:

(i) Where a non-wireline applicant provides a firm financial commitment that is not contingent upon the applicant obtaining a construction permit, the commitment need not be market specific and may be applied to any market or markets applied for as long as the commitment is sufficient to cover the costs of the proposed RSA systems.

(ii) Where a non-wireline applicant provides a firm financial commitment that is contingent upon the applicant obtaining a constuction permit and that is restricted on its face to a specific market or markets, the commitment may be used only for the markets to which it refers.

(iii) Where a non-wireline applicant provides a firm financial commitment that is contingent upon the applicant obtaining a construction authorization and that indicates that the bank or lending institution has reviewed the projects for which the applicant is applying, but the commitment is not restricted to any specific market, it may be applied to any market or markets applied for as long as the commitment is sufficient to cover the costs of the proposed RSA systems.

(2) If a non-wireline applicant does not win in a lottery, it may reapply its commitment to its applications for the next lottery consistent with the requirements of paragraph (c)(1) of this section.

(3) A non-wireline applicant that wins in more than one market shall file the firm financial commitment for the additional market or markets within 30 days after the public notice date when it is announced as the lottery winner of the additional market, unless its first firm financial commitment is sufficient to cover the costs of the additional market(s).

(4) The demonstration of commitment must include and be sufficient to cover the realistic and prudent estimated costs of construction, operating and other initial expenses for one year.

(5) The firm financial commitment required above shall be obtained from a state or federally chartered bank or savings and loan association, another recognized financial institution, or the financial arm of a capital equipment supplier and shall contain a statement that the lender—

(i) has examined the financial condition of the applicant including audited financial statements where applicable, and has determined that the applicant is creditworthy;

(ii) that the lender has examined the financial viability of each RSA proposal for which the applicant intends to use the commitment;

(iii) that the lender is committed to providing a sum certain to the particular applicant;

(iv) that the lender's willingness to enter into the commitment is based solely on its relationship with the applicant; and

(v) that the commitment is not in any way guaranteed by any entity other than the applicant.

(6) Non-wireline applicants intending to rely on personal or internal resources must submit—

(i) audited financial statements certified within one year of the date of the cellular application, indicating the availability of sufficient net current assets to construct and operate the proposed cellular system for one year;

(ii) a balance sheet current within 60 days of the date of filing that clearly shows the continued availability of sufficient net current assets to construct and operate the proposed cellular system for one year; and

(iii) a certification by the applicant or an officer of the applicant organization attesting to the validity of the unaudited balance sheet.

(7) Non-wireline applicants intending to rely upon financing obtained through a parent corporation must submit the information required by § 22.917(c)(6) (i) through (iii), as the information pertains to the parent corporation.

* * * * *

[FR Doc. 88-11365 Filed 5-19-88; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 22

[General Docket No. 85-388; [RM 5167]; FCC 88-155]

Amendment of Sections of Part 22 of the Commission's Rules as They Apply to Applications To Serve Rural Service Areas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In a Third Report and Order, the FCC amends Part 22 of its rules (which apply to Rural Cellular Service) to prohibit: (1) Pre-filing, post-filing and post-grant partial settlements among competing non-wireline cellular applicants to serve Rural Service Areas (RSAs); (2) non-wireline RSA applicants from having *any* ownership interest, including those of less than one percent, in more than one application in a market; and (3) the transfer or alienation of any interest in an RSA cellular application prior to the grant of a construction authorization. This action was taken because under the rules permitting partial settlements and a less than one percent ownership interest in more than one application per market, litigation increased and the grant of construction authorizations was delayed. Many non-wireline applicants who entered into partial settlements did not appear to be *bona fide* applicants seeking to become independent licensees, diluted their ownership interests, and requested transfer of their interests prior to the grant of authorization. The intended effect of the action is to dissuade speculators from filing. Further, prohibiting the transfer, assignment, or other alienation of a pending application will expedite service to the public.

EFFECTIVE DATE: June 20, 1988.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David H. Siehl, Mobile Services Division, Common Carrier Bureau; tele: 202-632-6450.

This is a summary of the Commission's Third Report and Order adopted April 21, 1988 and released May 18, 1988.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Third Report and Order

1. On April 21, 1988, the FCC adopted a Third Report and Order (*Order*) to amend the rules for Rural Service Areas (RSAs) in regard to filing cellular radio applications. The amendments were made after reviewing and considering the comments to the *Further Notice of Proposed Rulemaking*, in CC Docket No. 85-388, 1 FCC Rcd 499 (1986), that proposed to prohibit (1) all pre-filing, post-filing and post-grant partial settlements among competing non-wireline applicants who propose to serve RSAs; (2) wireline and non-wireline applicants from holding or acquiring *any* interest in more than one application in the same RSA, even that which is less than 1% (except for permissible interests in publicly traded corporations, in which interests of less than 5% are not deemed cognizable); and (3) the sale, transfer, assignment or

other alienation of any interest in a cellular application, permit or license to offer service to RSAs until the cellular facility has been placed in operation. The FCC adopted proposal (1) and has modified proposal (2) to apply only to non-wireline applicants. The FCC did not eliminate partial settlements or cumulative chances for wireline applicants. As for proposal (3), the FCC agreed with the commenters that the proposed policy would unnecessarily limit the ability of MSA licensees and RSA grantees to construct regional cellular systems made up of existing MSA systems and either all or a portion of planned RSA systems. The FCC concluded that the continued flexible application of Section 22.40(b) to transactions involving construction authorizations for unbuilt facilities would better serve the public interest than the original proposal would. However, the FCC did not believe that these considerations apply before an applicant has been granted a construction authorization. With pending applications, disruption of orderly processing and delay of service to the public would occur if transfers were allowed; and therefore, the FCC prohibited the alienation of any interest in an RSA application prior to the grant of a construction authorization. The objective of these proposed changes is to deter speculative applicants from filing.

2. *Final Regulatory Flexibility Analysis.* Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the FCC expects this action to deter speculative applications and promote efficient and expedient authorization of cellular licenses in the RSAs and lower the administrative costs associated with the process of granting licenses in these RSAs. The FCC considered alternative approaches for the filing of RSA cellular applications and found no specific alternatives which will allow for equally predictable and efficient licensing of cellular service in RSAs.

3. *Service List.* A copy of this *Notice* shall be sent to the Chief, Counsel of Advocacy of the Small Business Administration.

Ordering Clauses

4. Authority for this rulemaking is contained in sections 1, 4(i) and 301, 303 and 309 of the Communications Act of 1934, as amended.

List of Subjects in 47 CFR Part 22

Communications common carriers, Radio, Rural areas.

Federal Communications Commission.

H. Walker Feaster,

Acting Secretary.

Rules Section

Part 22 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 22—PUBLIC MOBILE SERVICE

1. The authority citation continues to read:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended (47 U.S.C. 154, 303).

2. Section 22.33(b)(2) is revised to read as follows:

§ 22.33 Grants by random selection.

* * * * *

(b) * * *

(2) Markets Beyond the Top-120 and Rural Service Areas. In markets beyond the top-120 cellular modified Metropolitan Statistical Areas and in Rural Service Areas, the cumulative lottery chances described in paragraph (b)(1) of this section will be awarded to joint enterprises resulting from partial settlements among mutually exclusive wireline applicants only. Any joint enterprise resulting from a partial settlement among mutually exclusive non-wireline applicants for markets beyond the top-120 Metropolitan Statistical Areas will not be entitled to any cumulative lottery chances. Partial settlements among non-wireline applicants for Rural Service Areas are prohibited.

* * * * *

3. Section 22.921(b) is revised to read as follows:

§ 22.921 Ownership in applications for cellular service for markets below the top-90.

* * * * *

(b) *Markets beyond the top-120 and Rural Service Areas*—(1) *General.* Except as otherwise provided herein, no party may have an ownership interest, direct or indirect, in more than one application for the same MSA or NECMA market, except that interests of less than one percent will not be considered. For Rural Service Areas, no party to a non-wireline application shall have an ownership interest, direct or indirect, in more than one application for the same Rural Service Area, including an interest of less than one percent. No party to a wireline application shall have an ownership interest, direct or indirect, in more than one application for the same Rural Service Area, except that interests of less than one percent will not be considered.

(2) *Ownership interests in publicly-traded corporate applicants.* Notwithstanding paragraph (b)(1) of this section, no party may have an ownership interest, direct or indirect, in mutually exclusive applications filed by publicly-traded corporations for an MSA market, a non-MSA/non-NECMA area, or a Rural Service Area, except that interests of less than five percent will not be considered.

* * * * *

4. Part 22 is amended by adding a new § 22.922 to read as follows:

§ 22.922 Transfers and assignments of applications, permits or licenses in Rural Service Areas.

(a) Notwithstanding any other section of this Part, the sale, transfer, assignment or other alienation of any cellular application to offer service to Rural Service Areas is prohibited prior to the grant of a construction authorization. This restriction on transfers of interests in such cellular applications shall include any form of alienation, including option arrangements and agreements, as well as equity and debt placement plans.

[FR Doc. 88-11375 Filed 5-19-88; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 53, No. 98
Friday, May 20, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

Irish Potatoes Grown in Colorado; Proposed Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenses and establish an assessment rate under Marketing Order No. 948 for the 1988–89 fiscal period. Authorization of this budget would allow the Colorado Potato Administrative Committee Area III to incur expenses reasonable and necessary to administer the program. Funds to cover these expenses would be derived from assessments on handlers.

DATE: Comments must be received by May 31, 1988.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the Federal Register and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, Telephone 202–447–2431.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order No. 948 (7 CFR Part 948) regulating the handling of potatoes grown in Colorado. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of Colorado Area III potatoes under this marketing order and approximately 80 potato producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of the handlers and producers may be classified as small entities.

The marketing order requires that the assessment rate for a particular fiscal period apply to all assessable potatoes handled from the beginning of such period. An annual budget of expenses is prepared by the committee and submitted to the Secretary for approval. The members of the committee are handlers and producers of potatoes. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing anticipated expenses by expected shipments of potatoes. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses. A recommended budget and rate of assessment is usually acted upon by the committee before the season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approval must be expedited so that the committee will have funds to pay its expenses.

The Colorado Potato Committee Area III met on April 7, 1988, and unanimously recommended a budget for the 1988–89 fiscal period of $3,537 and an assessment rate of $0.002 per hundredweight of potatoes. This compares to the 1987–88 budget of $3,662. The proposed budget is $125 less than last year, reflecting a decrease in the cost of office equipment and monthly services such as telephone and utilities. At the proposed assessment rate of $0.002, the same as last year, anticipated fresh market shipments of 758,500 hundredweight would yield $1,517 in assessment income. This along with approximately $570 in fees and interest and $1,450 from the reserve would be adequate to cover budgeted expenses. At the end of the fiscal period, the reserve fund is expected to total $4,600.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approval needs to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 948

Marketing agreements and orders, potatoes (Colorado).

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 948 be amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR Part 948 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. A new § 948.201 is added to read as follows:

§ 948.201 Expenses and assessment rate.

Expenses of $3,537 by the Colorado Potato Administrative Committee Area III are authorized, and an assessment rate of $0.002 per hundredweight of potatoes is established for the fiscal period ending June 30, 1989. Unexpended funds may be carried over as a reserve.

Dated: May 16, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–11352 Filed 5–19–88; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245a

[INS Number: 1113–88]

Adjustment of Status for Certain Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of availability.

SUMMARY: Section 201 of the Immigration Reform and Control Act of 1986 (IRCA) provides for the legalization of certain aliens who have been residing illegally in the United States since before January 1, 1982. This notice announces the availability to the public of a preliminary working draft of the proposed regulations for the adjustment of status of a temporary resident alien to that of an alien lawfully admitted for permanent residence. This action is necessary to communicate the availability of the preliminary working draft to interested parties and ensures that the public has an opportunity to provide comments at the preliminary working draft step in the formulation process for the Service's proposed regulations.

DATES: Interested parties may call (202–786–5723) to request a copy of the preliminary working draft. Written comments on the preliminary working draft must be received by close of the business day (5:00 p.m.) on or before June 20, 1988.

ADDRESSES: Written comments should be mailed in triplicate to Terrance M. O'Reilly, Deputy Assistant Commissioner, Legalization, Immigration and Naturalization Service, 425 "I" Street NW., Washington, DC 20536, or delivered to Room 5250 at the same address.

FOR FURTHER INFORMATION CONTACT: Terrance M. O'Reilly, Deputy Assistant Commissioner, Legalization, at the above address.

SUPPLEMENTARY INFORMATION: The Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99–603 was enacted on November 6, 1986. On January 20, 1987, the Service took the unprecedented step of publishing in the **Federal Register** a notice making available to the public the preliminary working draft regulations for the adjustment of certain aliens to temporary resident status (52 FR 2115). More than 6,800 copies of the preliminary working draft were requested and forwarded. The Service was pleased with the amount of constructive comments received. The comments were reviewed and contributed to the proposed regulations published in the **Federal Register** on March 19, 1987 (52 FR 8752).

The Service feels that it would be beneficial to repeat the preliminary working draft step in the formulation process for the regulations for the adjustment of a temporary resident alien to that of an alien lawfully admitted for permanent residence. Therefore, the Service invites interested parties to request a copy of the preliminary working draft and provide applicable comments.

Alan C. Nelson,

Commissioner.

Date: May 16, 1988.

[FR Doc. 88–11363 Filed 5–19–88; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 34

Safety Requirements for Industrial Radiographic Equipment

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On March 15, 1988, (53 FR 8460), the NRC published for public comment a proposed rule to require additional safety features on radiographic exposure devices and associated equipment and to require that radiographers wear pocket alarm dosimeters. The comment period for this proposed rule was to have expired on May 16, 1988. Two letters, and two telephone requests which are to be followed by letters, have been received, requesting an extension of the comment period for periods of time that range from 30 to 180 days. One of the commenters is the Non-Destructive Testing Management Association (NDTMA), a major trade organization representing a significant number of radiographic equipment manufacturers and users.

In view of the importance of the proposed rule and the fact that:

- The rule involved major changes in existing radiographic equipment.
- The industry will require significant time to develop their own cost analysis of the impact of the rule to compare with NRC estimates.
- The industry will require significant time to do a survey of actual device lifetimes to compare with NRC estimates and which is necessary for the cost analysis cited above.

The NRC feels that the present comment period of 60 days allows insufficient time to complete the required analyses. For this reason the NRC has decided to extend the comment period for an additional 90 days. The extended comment period now expires on August 16, 1988.

DATES: The comment period has been extended and now expires August 16, 1988. Comments received after this date will be considered if it is practical to do so but the Commission is able to assure consideration only for comments received before this date.

ADDRESSES: Send written comments or suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, attention: Docketing and Service Branch. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3628.

Dated at Rockville, MD, this 16th day of May, 1988.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 88–11377 Filed 5–19–88; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 25

[Docket No. NM-29; Notice No. SC-88-3-NM]

Special Conditions; Gates Learjet Model 31

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Gates Learjet Model 31 airplanes. These airplanes will have novel or unusual design features associated with the installation of the electronic engine control systems for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards for protection from the effects of lightning. This notice contains the safety standards which the Administrator finds necessary, because of these added design features, to ensure that the functions of these systems, which are critical or essential, are maintained.

DATE: Comments must be received on or before June 9, 1988.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-29, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168; or delivered in duplicate to the Office of the Regional Counsel at the above address. Comments must be marked: Docket No. NM-29. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Gene Vandermolen, Transport Standards Staff, ANM-110, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168, telephone (206) 431-2114.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on this proposal. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-29." The postcard will be date/time stamped, and returned to the commenter.

Background

On March 16, 1987, Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277, made an application to the Federal Aviation Administration for an amended type certificate for the Model 31 airplanes.

Model 31 Design Features

General

The Gates Learjet Model 31 airplane is a twin engine business jet with maximum seating of 13. It has the Model 35 fuselage and horizontal tail, Model 55 wing, Model 28 vertical tail, addition of delta fins on the lower rear fuselage, deletion of stick pusher/puller and Mach trim systems, and as an option, a Model 28 forward fuselage fuel tank. The wing span is 42.18 feet, winglet span is 3.74 feet, fuselage length is 48.58 feet and the cabin and cockpit length is 21.7 feet. It is powered by two Garrett TFE 731-2-3B engines, also used on the Lear 35 and 36. These engines have electronic controls with conventional manual backup. Total thrust of these engines is 7,000 pounds. Fuel capacity is 4,188 pound standard with an optional capacity of 4,598 pounds. Maximum takeoff weight is 15,500 pounds (16,500 optional). Maximum ramp weight is 15,750 pounds (16,750 optional). The maximum operating altitude will be 51,000 feet. V_{MO}/M_{MO} is 300 KIAS/.78M_I, and V_{DF}/M_{DF} is 375 KCAS/.86M_C.

The regulations incorporated by reference on the type certificate for these airplanes do not include adequate airworthiness standards for lightning protection of the electronic engine controls and, as a result, these special conditions are proposed.

Lightning Protection

The regulations incorporated by reference include standards for protection from ignition of fuel vapor (§ 25.954) and from damage to the structure of the airplane by lightning (§ 25.581). These standards do not, however, provide the level of safety for the electronic engine control system that is inherently provided by traditional designs which utilize mechanical means to connect the engines to the flight deck.

The Model 31 is being designed with electrical interfaces for critical and essential engine functions such as the start schedule, governing schedule, acceleration schedule, surge schedule and minimum fuel schedule inputs to the engines. These systems, which are designed to perform critical and essential functions, can be susceptible to disruption to both the command/response signals and the operational mode logic as a result of electrical and magnetic interference. This disruption of signals could result in dual engine shutdown due to opening of the engine ultimate overspeed fuel cutoff solenoids. To ensure that a level of safety is achieved equivalent to that of existing operating aircraft, a special condition is being proposed which requires that these components be designed and installed to preclude component damage and interruption of function due to both direct and indirect effects of lightning.

Discussion:

The following "threat definition" is proposed as a basis to use in demonstrating compliance with the proposed lightning protection special condition. It is based on SAE report AE4L-87-3.

The lightning current waveforms (Components A, D and H) defined below, along with the voltage waveforms in Advisory Circular (AC) 20-53A, will provide a consistent and reasonable standard which is acceptable for use in evaluating the effects of lightning on the airplane. These waveforms depict threats that are external to the airplane. How these threats affect the airplane and its systems depend upon their installation configuration, materials, shielding, airplane geometry, etc. Therefore, tests (including tests on the completed airplane or an adequate simulation) and/or verified analysis need to be conducted in order to obtain the resultant internal threat to the installed systems. The propulsion control systems may then be evaluated with this internal threat in order to determine their susceptibility to upset and malfunction.

To evaluate the induced effected to these systems, three considerations are required:

1. *First Return Stroke:* (Severe Strike—Component A, or Restrike—Component D). This external threat needs to be evaluated to obtain the resultant internal threat and to verify that the level is sufficiently below the equipment "hardness" level; then

2. *Multiple Stroke Flash:* (1/2 Component D) A lightning strike is often composed of a number of successive strokes, referred to as a multiple-stroke. Although multiple strokes are not necessarily a salient factor in a damage assessment, they can be the primary factor in a system upset analysis. Multiple strokes can induce a sequence of transients over an extended period of time. While a single event upset of input/output signals may not affect system performance, multiple signal upsets over an extended period of time (2 seconds) may affect the systems under consideration. Repetitive pulse testing and/or analysis needs to be carried out in response to the multiple stroke environment to demonstrate that the system response meets the safety objective. This external multiple stroke environment consists of 24 pulses and is described as a single Component A followed by 23 randomly spaced restrikes of 1/2 magnitude of component D (Peak Amplitude of 50,000 amps), all within 2 seconds. An analysis or test needs to be accomplished in order to obtain the resultant internal threat environment for the system under evaluation.

And,

3. *Multiple Burst:* (Component H) In-flight data-gathering projects have shown bursts of multiple, low amplitutde, fast rates of rise, short duration pulses accompanying the airplane lightning strike process. While insufficent energy exists in these pulses to cause direct (physical damage) effects, it is possible that indirect effects resulting form this environment may cause upset to some digital processing systems.

The representation of this interference environment is a repetition of low amplitude, high peak rate of rise, double exponential pulses which represent the multiple bursts of current pulses observed in these flight data gathering projects. This component is intended for an anlytical (or test) assessment of functional upset of the system. Again, it is required that this component be translated into an internal environmental threat in order to be used. This "Multiple Burst" consists of 24 random sets of 20 strokes within a period of 2 seconds. Each set of 20 strokes is made up of 20 "Multiple Burst" waveforms randomly distributed within a period of one millisecond. The individual "Multiple Burst" waveform is defined below.

The following current waveforms constitute the "Severe Strike" (Component A), "Restrike" (Component D), "Multiple Stroke" (1/2 Component D), and the "Multiple Burst" (Component H). These components are defined by the following double exponential polynominal equations:

$i(t) = I_0 (e^{-at} - e^{-bt})$

where:

t = time in seconds,

i = current in amperes, and

		Severe strike (Component A)	Restrike (Component D)	Multiple stroke (½ Component D)	Multiple Burst (Component H)
I_0, amp	=	218,810	109,405	54,703	10,572
a, sec^{-1}	=	11,354	22,708	22,708	187,191
b, sec^{-1}	=	647,265	1,294,530	1,294,530	19,105,100
These equations produce the following characteristics:					
i_{peak}	=	200 KA	100 KA	50 KA	10 KA
and					
$(di/dt)_{max}$ (amp/sec)	=	1.4×10^{11} @t = 0+sec	1.4×10^{11} @t = 0+sec	0.7×10^{11} @t = 0+sec	2.0×10^{11} @t = 0+sec
di/dt, (amp/sec)	=	1.0×10^{11} @t = .5 us	1.0×10^{11} @t = .25 us	0.5×10^{11} @t = .25 us	
Action Integral (amp^2 sec)	=	2.0×10^6	0.25×10^6	$.0625 \times 10^6$	

Type Certification Basis

The type certification basis for the Gates learjet Model 31 is as follows: Part 25 of the FAR effective February 1, 1965, as amended by Amendments 25–2 and 25–4. Amendments 25–3, 25–7, 25–10, 25–12, 25–18, 25–21, and 25–30, plus Section 25.955(b)(2) of Amendment 25–11. Section 25.954 of Amendment 25–14. Sections 25.803(e), 25.811(f), 25.853(a), 25.853(b), and 25.855(a) of Amendment 25–15. Section 25.1359 of Amendment 25–17. Section 25.785(c) of Amendment 25–20. Sections 25.25, 25.113, 25.145, 25.251, 25.303, 25.305(b), 25.307(d), 25.331(a)(3), 25.335(b), 25.335(f), 25.337(b), 25.349(b), 25.351(a), 25.363, 25.395(a), 25.395(b), 25.471(a)(1), 25.471(a)(2), 25.473, 25.493(b), 25.499(b), 25.499(c), 25.499(d), 25.509(a)(3), 25.561(b)(3), 25.581, 25.607, 25.615, 25.619, 25.625, 25.629, 25.677, 25.697, 25.699, 25.701, 25.721, 25.723, 25.725, 25.727, 25.729, 25.733, 25.735, 25.865, 25.867, 25.871, 25.903(d), 25.934, 25.994, 25.1103(d), 25.1143(e), 25.1303, 25.1307, 25.1331 and 25.1585(c) of Amendment 25–23. Sections 25.1013(e), 25.1305(c)(4), and 25.1305(c)(6) of Amendment 25–36. Sections 25.45 thru 25.75 *deleted*, 25.101, 25.161, 25.815, 25.1332 and 25.1403 of Amendment 25–38. Sections 25.903(e), 25.939, and 25.943 of Amendment 25–40. Sections 25.29, 25.143, 25.147, 25.149, 25.177, 25.181, 25.201, 25.207, 25.233, 25.237, 25.255 and 25.703 of Amendment 25–42. Section 25.1326 of Amendment 25–43. Section 25.253 of Amendment 25–54. Sections 25.33 and 25–961 of Amendment 25–57. Part 36 of the FAR effective December 1, 1969, as amended by Amendment 36–12. SFAR 27 effective February 1, 1974, as amended through Amendment SFAR 27–5. Special Conditions for operation to 51,000 ft.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and may become part of the type certification basis in accordance with § 21.101.

As the intended type of certification date for the first Gates Learjet Model 31 to install this electronic engine control system is June 6, 1988, we have shortened the comment period to 20 days in order to make the final special conditions effective prior to that TC date.

Conclusion

This action affects only certain unusual or novel design features on one model series of airplanes. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Parts 21 and 25

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Special Conditions

Accordingly, the FAA proposes the following special conditions as part of the type certification basis for the Gates Learjet Model 31 airplane.

1. The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f-10, 4321 et seq.; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. *Lightning Protection.*

(a) Each digital electronic engine control system which performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these critical functions are not affected when the aircraft is exposed to lightning.

(b) Each essential function of the digital electronic engine control system must be protected to ensure that the essential function can be recovered after the airplane has been exposed to lightning. Manual mode reversion is considered an acceptable method of retaining the essential functions.

(c) For the purposes of the above, the following definitions apply:

(1) *Critical Functions.* Functions whose failure would contribute to or cause a failure condition which would prevent the continued safe flight and landing of the airplane.

(2) *Essential Functions.* Functions whose failure would contribute to or cause a failure condition which would significantly impact the safety of the airplane or the ability of the flightcrew to cope with adverse operating conditions.

Issued in Seattle, Washington, on May 10, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-11330 Filed 5-19-88; 8:45 a.m.]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 284 and 385

[Docket No. RM88-13-000]

Brokering of Interstate Natural Gas Pipeline Capacity

Issued May 3, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; extension of time.

SUMMARY: On April 4, 1988, the Commission issued a proposed rule to allow holders of firm transportation rights on an interstate natural gas pipeline to sell or assign those rights. (53 FR 15061, April 27, 1988). On May 3, 1988, an extension of time was granted at the request of various interested groups for the filing of comments on the proposed rule.

DATE: The time for filing comments is extended from May 19, 1988 to June 17, 1988.

ADDRESS: Office of the Secretary, 825 N. Capitol St. NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Lois D. Cashell, Acting Secretary, (202) 357-8400.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-11394 Filed 5-19-88; 8:45 am]

BILLING CODE 6717-01-M

VETERANS ADMINISTRATION

38 CFR Part 4

Systemic Diseases, Temporary Total Evaluations Based on Periods of Hospitalization or Surgery, Regular Schedular Assignment of a Total Evaluation Based on Total Industrial Impairment

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The systemic disease entity, Melioidosis, as well as acquired immunodeficiency syndrome (AIDS) and AIDS Related Complex (ARC), and human immunodeficiency virus (HIV) Antibody Positive are proposed to be added to the Schedule for Rating Disabilities (38 CFR Part 4). More equitable rating criteria are proposed for the evaluation of other systemic diseases. A broadened definition of surgery for assignment of a temporary total evaluation under § 4.30 is proposed, and clarification of what constitutes 21 days of hospitalization under § 4.29 is proposed. Where the main criterion for assignment of a total evaluation is total industrial impairment (in mental disorders) it is proposed that such total evaluation will be assigned without resort to the individual unemployability provisons of § 4.16. Revised psychiatric nomenclature is inserted in § 4.124a to conform with a recent revision to § 4.132.

DATES: Comments must be received on or before June 20, 1988. Comments will be available for public inspection until July 5, 1988. These rules are proposed to be effective 30 days following date of final publication.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these regulations to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, Room 132, at the above address and only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) unti July 5, 1988.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, (202) 357-6504.

SUPPLEMENTARY INFORMATION: Melioidosis is a systemic disease endemic to Southeast Asia. Among the residuals are chronic pulmonary infections, osteomyelitis and skin abscesses. This disease entity will be added to the Schedule for Rating Disabilities under DC 6318 with a maximum evaluation of 100%.

The number of claims for disability benefits based on a diagnosis of AIDS or ARC has increased sufficiently to warrant the assignment of specific diagnostic codes. We are, therefore, proposing to assign diagnostic code 6351 for AIDS and diagnostic code 6352 for ARC. Evaluations will be based on the severity of the underlying disease(s) from which the veteran is suffering because of the immune system deficiency. In addition, we are proposing to assign diagnostic code 6353 for HIV Antibody Positive with a 0% evaluation.

The following additional amendments to the systemic disease segment of the Schedule for Rating Disabilities are proposed:

Diagnostic Code 6305—Filariasis, change the term "Scrotum" to gender-neutral "genitalia", change the term "adenitis" to more appropriate "lymphadenitis", add a 10% evaluation

with the criteria "chronic, with mild residuals in well established diagnosis."

Diagnostic Code 6309—Rheumatic fever, add a 100% evaluation with the criteria "As established active generalized disease with constitutional symptoms."

Diagnostic Code 6314—Beriberi, change the current "rate the residuals" format to specific evaluations of 10%, 30%, 60% and 100% based on moderate, moderately severe, severe and pronounced symptoms.

Diagnostic Code 6316—Brucellosis, add a 100% evaluation with the criteria "As active incapacitating febrile disease with arthritis, endocarditis, uveitis or other complications".

Under the provisions of § 4.29, a veteran is entitled to a temporary 100% evaluation when hospitalized for a period in excess of 21 days because of a service-connected disability. Under current policy, a veteran may be granted an authorized absence of up to four days for short term patients and up to 14 days for long term patients (those who have been or are expected to be hospitalized for 30 or more days). The main purpose behind the provisions of § 4.29 is to compensate the veteran because of temporary removal from employment for a period in excess of 21 days. While we recognize the value of authorized absences from the hospital administration point of view, the granting of extended or excessive authorized absences during the first 21 days of hospitalization is inconsistent with the theory that the veteran has been removed from employment for a period in excess of 21 days. We propose to amend § 4.29 to provide that an authorized absence in excess of four days, or a third authorized absence of four days, which begins during the first 21 days of hospitalization is the equivalent of a discharge. Such discharge is effective the first day of the authorized absence in excess of four days or the first day of the third four-day authorized absence, whichever is applicable. Subsequent re-hospitalization would then be considered a new admission for purposes of determining entitlement under § 4.29. After 21 days of hospitalization, the current rules would apply with respect to a third consecutive authorized absence of 14 days. Temporary release which is approved by an attending VA physician as part of the veteran's treatment plan will not be considered an absence.

A perceptible increase is noted in the use of outpatient surgical clinics rather than hospitals, with convalescence being accomplished at home. The current structure of § 4.30 requires post hospital convalesence and hospital discharge for the assignment of a temporary total evaluation following surgery. These technical requirements act as a bar to assigning a temporary total evaluation when surgery is performed in other than a hospital setting and a significant period of convalescence is required at home. We propopse to amend § 4.30 to make it applicable to outpatient surgery when a significant period of convalesence is required. A change to § 3.401(h)(2) will be forthcoming to include outpatient surgery. We also propose to amend § 4.30 by providing that a minimum of one month of convalescence be required for assignment of a temporary total evaluation.

The rating criteria for mental disorders provide that total industrial inadaptability warrants a 100% evaluation. When a mental disorder rated 70% is the only compensable service-connected disability and such disorder is the reason for a veteran's unemployability, applying the unemployability provisions of § 4.16(a) is inconsistent. A change to the Schedule for Rating Disabilities is proposed that will bar the application of § 4.16(a) in such cases and assign a schedular 100% evaluation in lieu thereof.

The term "dementia" is replacing "non-psychotic organic brain syndrome" in portions of § 4.124a following diagnostic codes 8045, 8046, and 8914. This will conform with a recent revision of § 4.132.

The Administrator hereby certifies that these proposed regulations will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that these proposed regulations are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(Catalog of Federal Domestic Assistance Program numbers are 64.104 and 64.109.)

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: March 29, 1988.

Thomas K. Turnage,

Administrator.

38 CFR Part 4, *Schedule for Rating Disabilities*, is proposed to be amended as follows:

PART 4—[AMENDED]

1. The authority citation for Part 4 continues to read as follows:

Authority: 72 Stat. 1125; 38 U.S.C. 355.

2. In § 4.16, paragraph (c) is added to read as follows:

§ 4.16 Total disability ratings for compensation based on unemployability of the individual.

* * * * *

(c) The provisions of paragraph (a) of this section are not for application in cases in which the only compensable service-connected disability is a mental disorder assigned a 70 percent evaluation, and such mental disorder precludes a veteran from securing or following a substantially gainful occupation. In such cases, the mental disorder shall be assigned a 100 percent schedular evaluation under the appropriate diagnostic code.

3. In § 4.29, the introductory text, paragraph (a) and the first sentence of paragraph (c) are revised to read as follows:

§ 4.29 Ratings for service-connected disabilities requiring hospital treatment or observation.

A total disability rating (100 percent) will be assigned without regard to other provisions of the rating schedule when it is established that a service-connected disability has required hospital treatment in a Veterans Administration or an approved hospital for a period in excess of 21 days or *hospital observation at expense* for a service-connected disability for a period in excess of 21 days.

(a) Subject to the provisions of paragraphs (d), (e), and (f) of this section this increased rating will be effective the first day of continuous hospitalization and will be terminated effective the last day of the month of hospital discharge (regular discharge or release to non-bed care) or effective the last day of the month of termination of treatment or

observation for the service-connected disability.

(1) An authorized absence in excess of four days, or a third authorized absence of four days each, which begins during the first 21 days of hospitalization will be regarded as the equivalent of hospital discharge effective the first day of the third authorized absence of four days, or the first day of the authorized absence in excess of four days, whichever is applicable.

(2) Following a period of hospitalization in excess of 21 days, a third consecutive authorized absence of 14 days will be regarded as the equivalent of hospital discharge and will interrupt hospitalization effective on the last day of the month in which the third 14 day period begins, except where there is a finding that convalescence is required as provided by paragraph (e) or (f) of this section. The termination of these total ratings will not be subject to § 3.105(e) of this chapter.

* * * * *

(c) The assignment of a total disability rating on the basis of hospital treatment or observation will not preclude the assignment of a total disability rating otherwise in order under other provisions of the rating schedule, and consideration will be given to the propriety of such a rating in all instances and to the propriety of its continuance after discharge. * * *

* * * * *

4. In § 4.30, introductory text is added and paragraphs (a), (a)(1), (a)(2) and (a)(3) are revised to read as follows:

§ 4.30 Convalescent ratings.

A total disability rating (100 percent) will be assigned without regard to other provisions of the rating schedule when it is established by report at hospital discharge (regular discharge or release to non-bed care) or outpatient release that entitlement is warranted under paragraph (a)(1), (2) or (3) of this section effective the date of hospital admission or outpatient treatment and continuing for a period of 1, 2, or 3 months from the first day of the month following such hospital discharge or outpatient release. The termination of these total ratings will not be subject to § 3.105(e) of this chapter. Such total rating will be followed by appropriate schedular evaluations. When the evidence is inadequate to assign a schedular evaluation, a physical examination will be scheduled and considered prior to the termination of a total rating under this section.

(a) Total ratings will be assigned under this section if treatment of a service-connected disability resulted in:

(1) Surgery necessitating at least one month of convalescence (Effective as to outpatient surgery _____).

(2) Surgery with severe postoperative residuals such as incompletely healed wounds, stumps of recent amputations, therapeutic immobilization of one major joint or more, application of a body cast, or the necessity for house confinement, or the necessity for continued use of a wheelchair or crutches (regular weight bearing prohibited). (Effective as to outpatient surgery _____).

(3) Immobilization by cast, without surgery, of one major joint or more.

* * * * *

5. In § 4.88a, diagnostic codes 6305, 6309, 6314, 6316 are revised and diagnostic codes 6318, 6351, 6352, and 6353 are added so that the revised and added material reads as follows:

§ 4.88a Schedule of ratings-systemic diseases.

* * * * *

	Rating
* * * * *	
6305 Filariasis:	
Initial infection with severe lymphangitis or lymphadenitis	100
Chronic, with repeated recurrences and tendency to severe multiple involvement of extremities and genitalia or severe lymphadenitis	100
Chronic, with repeated recurrences and beginning permanent deformity of one or more extremities or genitalia or moderate lymphadenitis	60
Chronic, following any recurrence, symptomatic	30
Chronic, with mild residuals in well established diagnosis	10
With subsidence of symptoms following only one attack	0
Note: The following ratings of this code may be combined among themselves to cover multiple involvements but are not to be combined with the preceding rating of this code.	
Permanent deformity of an extremity or of the genitalia:	
Severe	60
Moderate	30
Mild	10
* * * * *	
6309 Rheumatic fever:	
As established active generalized disease with constitutional symptoms	100
Note: Rate residuals under the appropriate cardiac, musculoskeletal, neurological or other diagnostic code, e.g., 7000, 5002 or 8105	
* * * * *	
6314 Beriberi:	
Pronounced, with long history of limited nourishment, edema, weakness, cardiac enlargement or murmurs, peripheral neuropathy or other manifestations not responding to therapy	100
Severe form, with some of the above precluding more than strictly sedentary activity	60
Moderately severe form, with some of the above precluding more than ordinary activity	30
Moderate residuals	10

	Rating
* * * * *	
6316 Brucellosis (Malta or undulant fever):	
As active incapacitating febrile disease (initial or recurrent episode) with arthritis, endocarditis, uveitis or other complications	100
Chronic forms:	
Severe, with frequent febrile episodes	50
Moderately severe, with febrile episodes not more frequently than once in 3 months	30
Moderate, with infrequent febrile episodes, but with fatigability, moderate depression, etc	10
Rate complications, as arthritis, endocarditis, uveitis, etc., separately	
* * * * *	
6318 Melioidosis	
Pronounced, with persistent cough, weakness, emaciation, central nervous system involvement or other residuals of military dissemination	100
For less severe residuals rate under appropriate system.	
* * * * *	
6351 Acquired immunodeficiency syndrome (AIDS):	
6352 AIDS Related Complex (ARC):	
Note: Rate underlying disease(s) analogous to an appropriate diagnostic code for the affected body system. Evaluations may be assigned from zero to 100 percent using an evaluation for the analogous diagnostic code selected.	
6353 HIV Antibody Positive (no underlying disease)	0
* * * * *	

§ 4.124a [Amended]

In the first chart, "Organic Diseases of the Central Nervous System," in the second paragraph under diagnostic code 8045, remove the words "non-psychotic organic brain syndrome" where they appear and add, in their place, the words "dementia associated"; in the second paragraph under diagnostic code 8046, remove the words "non-psychotic organic brain syndrome" where they appear and add, in their place, the words "multi-infarct dementia".

In "The Epilepsies" under the paragraph titled, "Mental Disorders in Epilepsies:," remove the words "non-psychotic organic brain syndrome" where they appear and add, in their place, the word "dementia".

[FR Doc. 88-11272 Filed 5-19-88; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Manifest Mailing System (MMS)

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend existing postal regulations and

procedures to provide for a standardized manifest mailing system. This system would enable a mailer to combine nonidentical weight and rate pieces of mail of the same class and processing category in a single permit imprint mailing.

The purpose of the proposal is to provide for situations when postage charges cannot be adequately verified by weighing or normal acceptance procedures are impractical.

DATE: Comments must be received on or before July 5, 1988.

ADDRESS: Written comments should be directed to Director, Office of Classification and Rates Administration, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, DC 20260–5360. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, at the above address.

FOR FURTHER INFORMATION CONTACT: Tekla B. Zimmerman, (202) 268–5305.

SUPPLEMENTARY INFORMATION: The Postal Service proposes to revise the DMM to include provisions for a Manifest Mailing System (MMS). Use of an MMS would allow mailers who pay postage through a permit imprint advance deposit account to combine nonidentical weight and rate pieces of mail of the same class (except for second-class) and processing category as a single mailing. Under an MMS, each piece of mail would be encoded with specific information to allow verification that postage has been properly paid. Postage for each piece in a mailing would be documented by the mailer on a computer-generated manifest listing. This manifest listing and completed mailing statement (PS Form 3602 or 3605), or computer-generated facsimile, must be submitted to the Postal Service with each mailing.

To be authorized to use MMS, mailers must complete an application and system review process designed to insure that all requirements are met. Following this process, the mailer and the Postal Service will execute a service agreement setting forth specific conditions that will apply to the submission of manifest mailings in addition to the requirements contained in Postal Service regulations.

Mail make-up and sortation requirements must be in accordance with existing DMM regulations. The Postal Service will perform a random sampling of each mailing to verify proper preparation and payment of postage. The sample will be deemed to be representative of the entire mailing, so any adjustment in the postage amount for the sample will be applied proportionately to the total mailing.

In addition, the Postal Service will periodically develop Customer Publications to specify manifesting procedures which meet the standards set forth in postal regulations. From time to time the Postal Service may add other Customer Publications to further expand the availability of standardize MMS programs.

Draft Customer Publications are now available for the categories listed below:

First-Class Letter Size	PUB 401–A
First-Class Parcels (Under 12 oz.)	PUB 401–B
Priority Mail	PUB 401–C
Third-Class Letter Size	PUB 402–A
Third-Class Parcels	PUB 402–B
Parcel Post	PUB 403–A
Bound Printed Matter	PUB 403–B
Special Fourth-Class	PUB 403–C
Library Fourth-Class	PUB 403–D
Registered Mail	PUB 404–A
COD Mail	PUB 404–B

An information copy of the proposed text for the Customer Publications listed above may be obtained by request from the Office of Classification and Rates Administration at the address specified above. All requests must specify title(s) and publication number(s) desired.

In addition, the Postal Service proposes to completely revise DMM 145.9 on alternate methods of mailing and retitle it as Alternative Mailing Systems (AMS). This section would contain provisions for mailer quality control procedures, cost/benefits analysis, and detailed authorization and revocation procedures.

Although exempt by 39 U.S.C. 410(a) from the provisions of the Administrative Procedure Act regarding proposed rulemaking, 5 U.S.C. 553(b), (c), the Postal Service invites public comments on the following proposed revisions of Part 145 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

PART 145—PERMIT IMPRINTS (MAIL WITHOUT AFFIXED POSTAGE)

1. *Renumber 145.1 Definition, as 145.11 and amend last sentence to read as follows:*

Permit imprint mailings that have postage paid through an advance deposit account must be weighed by the Postal Service to verify the accuracy of the piece counts claimed and the total weight of the mailing, unless acceptance under an alternative procedure, as described in 145.7, .8 or .9, is authorized by the Rates & Classification Center.

2. *Renumber 145.21 Application, as 145.12.*

3. *Renumber 145.22 Application, as 145.13.*

4. *Renumber 145.3 Preparation of Permit Imprints, as 145.2 and amend the third sentence in new 145.21 to read as follows:*

The content of the imprint must be in accordance with *145.3* and the format in accordance with *145.4*.

5. *Renumber 145.4 Contents of Permit Imprints, as 145.3.*

6. *Amend the reference at the end of the second sentence in new 145.31 to read as follows:*

(See Exhibit 145.41a–41e)

7. *Amend the second sentence in new 145.33 to read as follows:*

The company's name may be shown in place of the city and permit number, in accordance with *145.34*.

8. *Renumber 145.5 Format of Permit Imprints as 145.4.*

9. *Add new 145.41 to read as follows:*

Permit imprints for other than official mail or Mailgrams must be prepared in one of the formats shown in *Exhibits 145.41a through 145.41e*. Any of these formats may be used to display the information prescribed by *145.3*.

10. *Add new 145.42 to read as follows:*

Permit imprints for Mailgrams and official mail must be prepared in one of the formats shown in *Exhibits 145.42a–145.42d*.

11. *Renumber 145.6 Mailings with Permit Imprints as 145.5 and amend the first sentence in the new 145.51 to read as follows:*

Permit imprint mailings must consist of a minimum of 200 pieces or 50 pounds, except as provided in *145.52*.

12. *Renumber 145.7 as 145.6 and amend (a) in the first sentence in the new 145.62 to read as follows:*

(a) when company permit imprints are used as provided for by *145.35*.

13. *Add a new 145.7 to read as follows:*

145.7 Manifest Mailing System (MMS).

.71 Purpose. The Manifest Mailing System (MMS) permits the Postal Service to accept and verify mailings containing nonidentical weight and/or rate pieces of the same mail class (except for second-class) and processing category, when the mailers have generated these mailings in accordance

with the regulations set forth below. The purpose of the MMS is to provide for situations when postage charges cannot be adequately verified by weighing and/or normal acceptance procedures are impractical.

.72 General Qualification Requirements. In order to use MMS, the following conditions must be met:

.721 Service Agreement. A service agreement will be signed by the mailer, postmaster and the General Manager, Rates and Classification Center before the first mailing is presented to the Postal Service. The service agreement will be the controlling document of MMS.

.722 Automated Mail Production. The mailer must have an automated mail production system which generates mail consistent with postal requirements and calculates postage accurately as follows:

a. Presorted Mail. The automated system must fully determine the qualifying presort level and correct rate of postage. The system must also perform the presort sortation and number each piece in consecutive order.

b. Nonpresorted/Nonletter Size Mail. The mailer must have an automated mail production system which calculates postage accurately before the mailing is presented for acceptance in the Postal Service.

.723 Computerized Manifest. Each mailpiece must be uniquely identified by the mailer and bear prescribed information in a "key line", as outlined in section 145.742a, when applicable. The automated system must provide a computer-generated manifest listing for each mailing that permits Postal Service verification of the postage amount and levels of presort, as applicable. The manifest listing must account for every piece in the mailing and must include the following information:

a. Presorted Mail. The manifest must list destinating ZIP Codes, presort category, batch number ranges, postage amounts and cumulative postage amounts and ZIP + 4 information, when appropriate.

b. Nonpresorted/Nonletter Mail. The manifest must list the postage for each piece and those factors, such as destinating postal zone and piece weight, that are used to calculate the correct amount of postage for the particular class of mail. Each page of the manifest must show cumulative postage totals and a computer-generated summary must appear on the last page displaying the total for all detail pages.

c. Special Services. When special services, such as collect on delivery (COD) or registered are used, the manifest must include the applicable fees for each piece.

.724 Identification. Each piece in a manifest mailing must bear a unique piece identification number.

.725 Mailer Quality Control. The mailer must implement a quality control program acceptable to the Postal Service. This program must demonstrate (a) that the mail is properly prepared, and (b) that accurate documentation is provided. The service agreement must include a detailed description of the proposed quality control procedures. Each mailing under an MMS agreement must be accompanied by a statement by the mailer certifying that a Quality Control verification has been performed.

.726 Permit Imprint. Mailings deposited under the program must qualify as permit imprint mailings in accordance with 145.1, except that for letter size mail the qualified rate category endorsement must appear in the keyline.

.727 Batch Definition. Mailings consisting of First- or third-class letter size mail must be prepared in batches produced in presort order and consecutively numbered. A batch is defined as a small group of pieces within a sortation level, such as carrier route, 5-digit or 3-digit ZIP Code. A batch may consist of pieces of different weight increments and rate categories. The Postal Service will determine and specify the proper batch size for each mailer.

.728 Mailing Statement. The mailer must submit a mailing statement with each mailing. The statement may be a computerized facsimile of Form 3602, *Statement of Mailing with Permit Imprints*, or Form 3605, *Statement of Mailing—Bulk Zone Rates*, if it includes all the information otherwise required on the official Postal Service mailing statement that is relevant to the mailing.

.729 Manual Adjustment. A method for adjusting the manifest listing must be used when pieces of mail have been mutilated, spoiled, or destroyed during normal processing operations and cannot be presented as part of the mailing.

.73 Additional Technical Information. The Postal Service has published a series of Customer Publications to help mailers develop systems meeting the requirements for each class in MMS. Mailers who follow these guidelines and develop systems that meet DMM regulations and the pre-approved specifications outlined in the Customer Publication will receive approval of their manifesting application.

.74 Markings.

.741 Endorsement Compliance. When mailings are made under 145.7, mailers may comply with the marking requirements for endorsements in DMM 362, 662, 762, 763, 764, and 767 by using a key line as prescribed in 145.742 or other means specified in the authorization.

.742 Machinable Letter Size Mail. Requirements for key line contents, rate category abbreviation, and key line location are as follows:

a. Key Line Contents. The following key line data must be printed in the following order on each piece of machinable letter size First-Class Mail and third-class mail (some data not required for third-class, as indicated) included in an MMS mailing:

(1) Consecutive piece number unique to each piece;

(2) Weight increment (First-Class only);

(3) Rate category for which the mailpiece qualifies; and

(4) Postage paid according to weight and rate category.

b. Mailer Key Line Codes. Codes for internal mailer use may be printed to the right of the postage paid information. A break of at least two spaces must appear between the postage paid and any internal code information.

c. Rate Category Abbreviations. The only acceptable rate category abbreviations for machinable letter size mail key line data are listed below:

FIRST-CLASS MAIL:

(1) ZB—ZIP + 4 BARCODED
(2) ZP—ZIP + 4 PRESORT
(3) ZN—ZIP + 4 NONPRESORT
(4) FP—FIRST-CLASS PRESORT
(5) CP—CARRIER ROUTE PRESORT
(6) FN—NONPRESORT

BULK THIRD-CLASS MAIL (Regular and Special Rates):

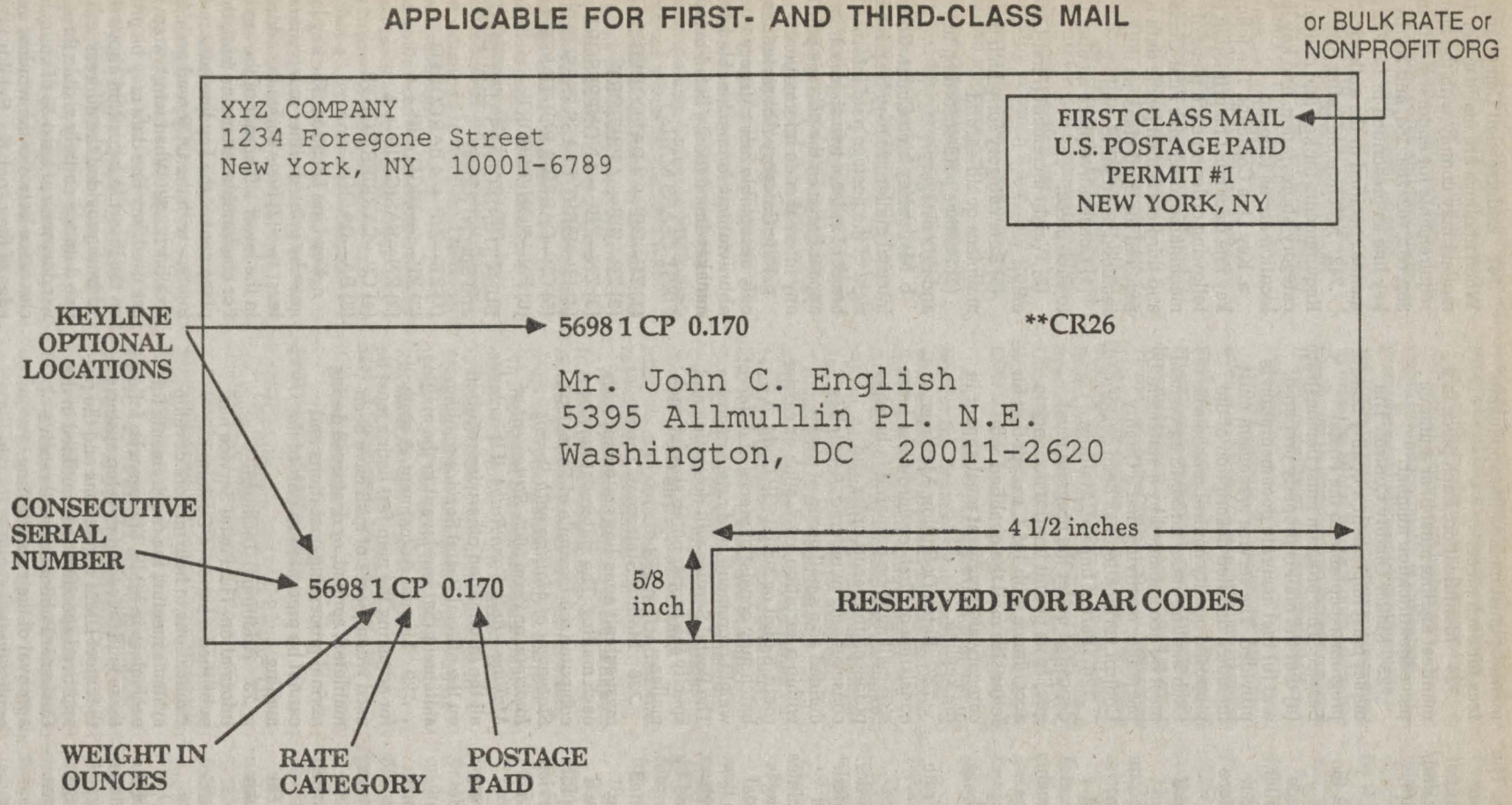
(1) ZB—ZIP + 4 BARCODED
(2) ZP—5—DIGIT ZIP + 4
(3) ZN—BASIC ZIP + 4
(4) CP—CARRIER ROUTE
(6) BA—BASIC

c. Key Line Location. The key line must be printed either in a position at least two (2) lines above the address or in the lower left corner of the envelope. For machinable letter size mail, the placement of the key line must not intefere with the OCR read area. See Exhibit 122.33. When window envelopes are used, key line data may be printed on the insert in a position above the address provided the address and key line data are entirely visible through the window with at least ⅛ of an inch clearance between the window and the edge of the panel. See Exhibit 145.7.

BILLING CODE 7710-12-M

LETTER SIZE MAIL

APPLICABLE FOR FIRST- AND THIRD-CLASS MAIL



BILLING CODE 7710-12-C

EXHIBIT 145.7

.743 Other than Machinable Letter Size Mail. A unique mailpiece number must be printed either directly above the address or in the lower left corner of the mailing label. The unique number may be a computer-generated sequential number, a product number or any other number devised by the mailer, as long as numbers are not duplicated within the mailing. These numbers must be printed in ascending order on the manifest.

.75 Application Procedures.

.751 Applications. The mailer must submit a Manifest Mailing Application to each post office where MMS mail will be entered. Applications and detailed information about mailer requirements and responsibilities and qualifying criteria are available through post offices. The application formally expresses to the local postmaster the mailer's interest in the Manifest Mailing system, and provides information essential to obtaining authorization.

.752 Service Agreement/Support Documentation. After development of a manifest mailing system that meets postal specifications is completed, the mailer is required to submit the following documentation:

a. The basic Manifest Service Agreement.

b. Appropriate addendum, which specifies responsibilities for both parties not covered in the basic service agreement.

c. Sample manifest listing with corresponding sample mailing pieces.

d. Sample mailing statement (Form 3602 or 3605).

e. A detailed description of the Quality Control procedures to be conducted by the mailer.

f. Any additional documents outlined in the basic service agreement.

.753 Review Procedures. The mailer must submit the basic service agreement and attachments to the entry post office for forwarding through appropriate Postal Service channels for review. The General Manager, Rates and Classification Center, may modify the basic service agreement and addendum as necessary, prior to approval, to meet Postal Service needs and requirements.

.754 Conditions of Authorization For All MMS Programs.

a. Postage Adjustments. The mailer agrees that postage adjustments will be required for overpayments or underpayments identified during postal verification and that verification samples are deemed to be representative of the entire mailing and postage adjustment calculations are applied to the total mailing.

Note: A computer software program which automatically skips to the next weight increment for borderline weight pieces will not require a postage adjustment.

b. Postage Error Penalty. The mailer agrees to pay a penalty whenever the sampling verification determines that the postage error exceeds 1.5 percent of the corrected postage. The total corrected postage plus a penalty equal to 10 percent of the postage error calculation will be deducted from the permit imprint advance deposit account.

c. Authorization Period. A manifest mailing system will be authorized for a period not to exceed two years. Authorizations may be renewed following a Postal Service review that shows the system remains qualified.

d. System Modification. The mailer agrees to provide advance written notice to the Postal Service of any modification or adjustment to the system which will affect the calculation of postage, generation of required mailing documentation, or mail presorting prior to preparing and presenting the mailing for acceptance.

e. Advance Deposit Account. Mailer must pay postage through an advanced deposit account. Funds in the account may be deducted by the Postal Service to cover any deficiency discovered after acceptance of the mail.

.76 Approving or Denying Applications.

.761 Responsibility. The General Manager, Rates and Classification Center (RCC), serving the post office to which the mailer's application was submitted, ensures that all required documentation has been provided and approves or denies applications for all options available under the Manifest Mailing System.

.762 Approval. If a decision is made to approve an application, the General Manager, RCC, will forward the agreement containing instructions for administering it to the Field Division General Manager/Postmaster, who will ensure that (a) the agreement is signed by the mailer and the administering postmaster and that (b) all affected parties are provided with a copy of the signed agreement. The division will return the original signed agreement to the RCC serving the administering post office.

.763 Denial. If a decision is made to deny an application, the General Manager, RCC, will notify the mailer, the administering post office, and the Field Division, in writing, of the decision. The denial becomes final 15 days from the receipt of the notice by the mailer unless, within that time, the mailer files a written appeal, which contains additional evidence as to why the manifest mailing system application should be approved, to the Director, Office of Classification and Rates administration, USPS Headquarters, Washington, DC 20260–5360. The Director issues the final agency decision.

.77 Revocation.

.771 Conditions. The RCC may revoke an MMS authorization under the following circumstances:

a. When it has been established that a mailer consistently has provided incorrect data on the manifest listing and appears unable or unwilling to correct the problems.

b. Whenever it is discovered that the mailer is not properly conducting the required quality control verification procedures.

c. Whenever the MMS no longer meets the criteria established by this regulation and those outlined in the Manifest Service Agreement.

d. When there have been no mailings presented under MMS for more than six months.

e. Whenever a mailer continues to present mailing that are improperly prepared or proper postage is not paid.

.772 Notification. Whenever a mailer fails to meet MMS requirements as described in DMM 145.781, the Division Manager will notify the mailer, in writing, prior to any revocation action, of the nature of the discrepancy and the need for corrective action. The mailer and the Division Manager will determine the actions to be taken and set up an implementation schedule. When the mailer has completed the necessary corrective measures to bring the system into compliance, the Division Manager must be notified and a follow-up review conducted. Failure to correct existing problems is sufficient grounds to revoke a mailer's MMS authorization.

.773 Revocation Procedures. The following procedures apply to a revocation:

a. If, after notification, the mailer is unable or unwilling to correct the discrepancies cited by the Division Manager within the time frame allotted, the Division Manager will advise the mailer in writing that the General Manager, RCC, will be requested to revoke the authorization to mail under MMS.

b. The mailer may appeal this decision in writing within 15 days from the date of receipt of the notice. The mailer's appeal should contain evidence explaining why the MMS authorization should not be revoked. The appeal must be filed with the General Manager, RCC.

c. If evidence provided by the mailer indicates that the authorization should be continued, the General Manager, RCC, may reverse the revocation.

d. If the General Manager, RCC, does not find sufficient evidence to reverse the revocation, the appeal will be forwarded to the Director, Office of Classification and Rates Administration, USPS Headquarters, Washington, DC, who will issue the final agency decision.

14. *Amend 145.82 to read as follows:*

145.82 Qualification Requirements. Any permit imprint mailer whose mailings comply with the requirements of *145.5* may apply for authorization to use optional acceptance proecdures. Optional procedure authorization will not be granted if (a) mailings do not meet the requirements of *145.5*, (b) the Postal Service cannot be assured of the receipt of proper postage revenue, or (c) significant recoverable savings will not result for the Postal Service.

15. *Amend the heading of 145.9 and the entire 145.91 and 145.92 to read as follows:*

145.9 Alternate Mailing Systems (AMS).

.91 Purpose. The purpose of this section is to provide for situations where other systems for the acceptance of permit imprint mail, not specifically outlined in 145.7 or 145.8, satisfactorily provide for proper postage payment and mail preparation without verification by weight.

.92 General Qualification Requirements and Request Procedures.

.921 AMS Request. Mailers may request authorization to pay postage by an alternate method by submitting a written request to the postmaster at the office of mailing. The request must include (a) a complete description of the type(s) of matter to be mailed, (b) the proposed method of paying postage, (c) the proposed method to determine correct mail make-up and (d) a statement of the mailer's reasons for requesting the alternate system.

.922 Postage Payment. All postage must be paid in accordance with the provisions of 145.11, unless an alternate system is approved in writing by the General Manager, Rates and Classification Center (RCC).

.923 Cost/Benefit. There must be no additional cost to the Postal Service to administer the AMS Agreement in lieu of normal permit mail acceptance procedures. The applicable Field Divison will perform a detailed cost/benefit analysis and this will be included in the supporting documentation provided to the General Manager, RCC.

.924 Mailer Quality Control. The mailer must implement a quality control program acceptable to the Postal Service. The program must demonstrate that accurate documentation is provided and that mail is properly prepared. The supporting documentation must include a detailed description of the proposed quality control procedures. Each mailing under an AMS agreement must be accompanied by a statement by the mailer certifying that a Quality Control verification has been performed.

.925 Application Procedures and Authorization Requirements. The procedures for and conditions of authorization are as follows:

a. The Postmaster will forward copies of the written request and support documents to the General Manager, RCC, for review and evaluation. Authorization to use AMS may be granted when its adoption is in the best interests of the Postal Service.

b. Overpayments or underpayments identified during postal verification will require a postage adjustment. Verification sampling procedures are deemed to be representative of the entire mailing and postage adjustment calculations will be based on the total mailing.

c. The mailer must agree to pay a penalty whenever the sampling verification determines the postage error exceeds 1.5 percent of the corrected postage. The total corrected postage for the entire mailing plus a penalty equal to 10 percent of the postage error calculation will be deducted from the permit imprint advance deposit account.

d. The agreement must specify the terms and conditions for use of AMS, including a time limitation not to exceed two years.

.926 Approving or Denying Applications. The procedures for approving or denying applications are as follows:

a. Responsibility. The General Manager, Rates and Classification Center (RCC), serving the post office to which the mailer's application was submitted, will approve or deny a written request for AMS. Prior to approval, concurrence of the General Manager, Business Systems Division (BSD), Headquarters, Washington, DC, must be obtained.

b. Approval. If a decision is made to approve the request, the General Manger, RCC will prepare and forward the agreement containing instructions for its administration, to the Field Division General Manager/Postmaster, who will ensure that (a) the agreement is signed by the mailer and the administering postmaster and that (b) all affected parties are provided with a copy of the signed agreement. The division will return the original signed agreement to the RCC serving the administering post office.

c. Denial. If a decision is made to deny the request, the General Manager, RCC, will notify the mailer, the administering post office, and the Field Division, in writing, of the decision. The denial becomes effective 15 days from the receipt of the notice by the mailer unless within that time the mailer files a written appeal containing additional evidence as to why the AMS request should be approved, with the Director, Office of Classification and Rates Administration, USPS Headquarters, Washington, DC 20260–5360. The Director issues the final agency decision.

.927 Revocation. An AMS Authorization may be revoked by the RCC under the following circumstances:

a. When it has been established that a mailer consistently has provided incorrect data for mailings and appears unable or unwilling to correct the problems.

b. Whenever it is discovered that the mailer is not properly conducting the required quality control verification procedures.

c. Whenever the AMS no longer meets the criteria established by this regulation and those outlined in the Agreement.

d. When there have been no mailings presented under AMS for more than six months.

e. Whenever a mailer continues to present mailings that are improperly prepared and/or proper postage is not paid.

.928 Notification. Whenever a mailer fails to meet AMS requirements as described in DMM 145.927, the Division Manager will notify the mailer, in writing, prior to any revocation action, of the nature of the discrepancy and the need for corrective action. The mailer and the Division Manager will agree on the actions to be taken and set up an implementation schedule. When the mailer has completed the necessary corrective measures to bring the system into compliance, the Division Manager must be notified and a follow-up review conducted. Failure to correct existing problems is sufficient grounds to revoke a mailer's AMS authorization.

.929 Revocation Procedures. The following procedures apply to a revocation:

a. If, after notification, the mailer is unable or unwilling to correct the discrepancies cited by the Division Manager within the time frame allotted, the Division Manager will advise the mailer in writing that the General Manger, RCC, will be requested to

revoke the authorization to mail under AMS.

d. The mailer may appeal this decision in writing within 15 days from the date of receipt of the notice. the mailer's appeal should contain evidence explaining why the AMS authorization should not be revoked. The appeal must be filed with the General Manager, RCC.

c. If evidence provided by the mailer indicates that the authorization should be continued, the General Manager may reverse the revocation.

d. If the General Manager does not find sufficient evidence to reverse the revocation, the appeal will be forwarded to the Director, Office of Classification and Rates Administration, USPS Headquarters, Washington, DC, who will issue the final agency decision.

16. *Amend 145.932 to read as follows*:

.932 Description.

Western Union Mailgram messages are enclosed in window envelopes that bear in the upper right corner of the address side the Mailgram message imprint illustrated in *145.42a*.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc 88-11373 Filed 5-19-88; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 260

[FRL-3330-4]

Hazardous Waste Management System; Amendment to Subpart C—Requirements of Rulemaking Petitions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule amendment.

SUMMARY: EPA regulations under the Resource Conservation and Recovery Act (RCRA) allow persons to petition the Agency to exclude wastes from the hazardous waste management system which are presently listed under Part 261 as hazardous. Passage of the 1984 Hazardous and Solid Waste Amendments(HSWA) required that EPA promulgate conforming changes to the exclusion (delisting) regulations. These changes, promulgated on July 15, 1985, (50 FR 28727-28728) inadvertently failed to make necessary changes to § 260.22(b). Thus, today EPA is proposing to amend § 260.22(b) to ensure consistency with the HSWA requirement that, when evaluating exclusion petitions, the Administrator consider factors (including additional constituents) other than those for which the waste was listed if he/she has a reasonable basis to believe that such factors could cause the waste to be a hazardous waste.

DATE: Written comments should be submitted on or before July 5, 1988.

ADDRESSES: The original and two copies of comments on this proposal should be mailed to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The official docket for this regulation, including comments received by the Agency, is located in the sub-basement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket is open from 9:30 to 3:30 Monday through Friday, except for Federal holidays. The docket number for this rule is F-88-RRPA-FFFFF. The public must make an appointment to review docket materials. Call (202) 475-9327 for appointments. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost; additional copies cost $.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact: RCRA/Superfund Hotline toll-free at (800) 424-9346, or locally at (202) 382-3000. For technical information contact: Linda Cessar, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, or by phone at (202) 475-9828.

SUPPLEMENTARY INFORMATION:

I. Authority

These regulations are issued under the authority of sections 1004, 2002(a), 3001, 3006, and 7004 of the Solid Waste Disposal Act as Amended (42 U.S.C. 6703, 6712, 6921, 6926, 6974).

II. Background

On November 8, 1984, the President signed into law the Hazardous and Solid Waste Amendments (HSWA) of 1984. These amendments changed the hazardous waste management system established by the Resource Conservation and Recovery Act (RCRA) of 1980. One of HSWA's several requirements was to establish additional and more specific criteria for evaluating petitions, submitted under 40 CFR 260.20 and 260.22, to exclude specific wastes from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. Specifically, new Section 3001(f)(1) of RCRA requires EPA to consider, during evaluation of a petition, any additional factors, including constituents other than those for which the waste was listed, if the Administrator has reasonable basis to believe that such additional factors could cause the waste to be hazardous waste.

As promulgated in 1980, EPA's delisting regulations required the applicant and the Agency to consider only those hazardous constituents which were listed in Appendix VII to 40 CFR Part 261 as the rationale for the Agency's decision to declare the waste "hazardous." In most cases, EPA recorded in Appendix VII only one or two hazardous constituents for each waste listing. Although EPA realized that a waste might contain many hazardous chemical constituents, EPA did not believe it was necessary to identify all of the waste's constituents before deciding that the waste needed to be regulated. Rather, the waste should be listed and regulated as soon as the Agency found even one hazardous chemical constituent.

The legislative history to new section 3001(f) of RCRA explains that Congress was concerned that EPA's delisting analysis was too narrow in scope. Limiting the analysis to listed constituents could allow the Agency to "de-regulate" a waste that contained other harmful constituents. *See* H.R. Rep. No. 98-198, 98th Cong., 1st Sess. 57-58 (1983). Consequently, Congress amended RCRA to direct the Agency to consider "factors (including additional constituents) other than those for which the waste was listed if the Administrator has a reasonable basis to believe that such additional factors could cause the waste to be a hazardous waste." Section 3001(f)(1).

EPA incorporated this new requirement into its delisting rules by adding a new paragraph to 40 CFR 260.22(a), (c), (d) and (e). *See* 50 FR28727-28728, July 15, 1985. EPA did not amend 40 CFR 260.22(b) at that time. As explained in more detail below, EPA later realized that the language in paragraph (b) can be read to conflict with new section 3001 (f) and the new regulatory requirement codified in § 260.22(a)(2), (c)(2), (d)(2) and (e)(2).

III. Purpose of Today's Rule

Today's proposal would clarify the potential ambiguity created by EPA's inadvertent failure to alter 40 CFR 260.22(b) when modifying other portions of § 260.22 to ensure that the program is consistent with HSWA. Specifically, EPA neglected to modify or to delete language in 40 CFR 260.22(b) that could be read to conflict with the post-HSWA language of § 260.22(a), (c)-(e), which require a delisting demonstration to be made for all constituents present in a

waste that may cause the waste to be hazardous. Thus, EPA is proposing to modify § 260.22(b) to remove this potential ambiguity.

As currently worded, § 260.22(b) can be read to imply that a petitioner need only sample and analyze the listed hazardous wastes in a waste stream or waste mixture. Co-mingled, non-listed "solid wastes", however, may also contain some of the same constituents of concern found in hazardous wastes. Making delisting decisions without considering the constituents in co-mingled, non-listed wastes would not fully protect human health and the environment. For example, a listed F007 waste (F007 is listed for cyanide) might be mixed with a non-listed waste containing hazardous levels of 1,2-dichloroethene, toluene, arsenic and beryllium. If the Agency interpreted the regulation cited above to require analysis of only the listed F007 waste, and if the constituents in that waste did not exceed levels of regulatory concern, the waste would be eligible for delisting. The presence of hazardous levels of the other constituents would not be taken into consideration.

The Agency does not believe that Congress intended that such a distinction be made for waste mixtures. The Agency has not found any evidence in either the statute or the legislative history showing that Congress intended for delisting to address only a portion of a waste mixture. Section 3001(f) clearly applies to all delisting petitions, and clearly requires EPA to consider factors beyond the listed constituents of listed wastes where they are relevant. The Agency therefore strongly believes that it should not interpret § 260.22(b) to be inconsistent with the language and intent of HSWA and with § 260.22 (a)(2), (c)(2), (d)(2) and (e)(2). The HSWA amendments (and the subsequent regulations) were developed to incorporate accountability into the delisting evaluation for all hazards that a waste may present, including toxic constituents for which a particular waste was not listed originally.

Thus, EPA, is today proposing to modify 40 CFR § 260.22(b) to remove the possibility of such an erroneous intrepretation, by deleting existing language and by adding language to clarify that all factors in a mixture must be considered for delisting.

IV. Effective Date

Since this proposal would clarify existing requirements for making a formal petition to delist a waste, this rule will become effective immediately upon promulgation, under the Administrative Procedure Act, 5 U.S.C. 553(d) and 3010(b) of RCRA.

V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. The proposed rule published today does not impose a substantial impact because it merely incorporates and codifies a statutory requirement. The proposal imposes no new sampling or analytical requirements beyond those required by section 3001(f) of RCRA.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant impact on a substantial number of small entities.

This proposed amendment will not have adverse economic impact on small entities because the rule will not require any change in the amount of information required for RCRA delisting petitions. The statute imposed the broader data requirements; this rule merely codifies Congressional intent. Accordingly, I hereby certify that this proposed amendment will not have a significant impact on a substantial number of small entities. Thus, this amendment does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 260

Hazardous materials, Waste treatment, and Disposal, Recycling.

Date: May 11, 1988.

Lee M. Thomas,

Administrator.

PART 260—[AMENDED]

For the reasons set out in the preamble, Part 260 of Chapter I of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 260 continues to read as follows:

Authority: 42 U.S.C. 6703, 6712, 6921, 6926, 6974.

2. Section 260.22 is amended by revising paragraph (b) to read as follows:

§ 260.22 Petitions to amend Part 261 to exclude a waste produced at at particular facility.

* * * * *

(b) The procedures in this section and § 260.20 may also be used to petition the Administrator for a regulatory amendment to exclude from § 261.3 (a)(2)(ii) or (c), a waste which is described in those sections and is either a waste listed in Subpart D, or is derived from a waste listed in Supart D. This exclusion may only be issued for a particular generating, storage, treatment, or disposal facility. The petitioner must make the same demonstration as required by paragraph (a) of this section. Where the waste is a mixture of solid waste and one or more listed hazardous wastes or is derived from one or more hazardous wastes, his demonstration must be made with respect to the waste mixture as a whole; analyses must be conducted for not only those constituents for which the waste was listed as hazardous, but also for factors (including additional constituents) that could cause the waste to be a hazardous waste. A waste which is so excluded may still be a hazardous waste by operation of Subpart C of Part 261.

* * * * *

[FR Doc. 88–11368 Filed 5–19–88; 8:45 am]

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Notices

Federal Register
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Friday, May 20, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Fire-Cured (Type 21), Fire-Cured (Types 22-23), Dark Air-Cured, Virginia Sun-Cured, and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobaccos; 1988-89 Marketing Quotas and Acreage Allotments

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of 1988-89 Marketing Quotas and Acreage Allotments.

SUMMARY: The purpose of this notice is to affirm determinations which were made by the Secretary of Agriculture on March 1, 1988, with respect to the 1988 crops of fire-cured (type 21), fire-cured (types 22-23), dark air-cured, Virginia sun-cured, and cigar-filler and binder tobaccos. In addition to other determinations, the Secretary declared national acreage allotments for the following kinds of tobaccos: fire-cured (type 21), 5,588 acres; fire-cured (types 22-23), 11,890 acres; dark air-cured, 4,022 acres; Virginia sun-cured, 595 acres; and cigar-filler and binder (types 42-44 & 53-55), 8,296 acres.

This notice also affirms the proclamation made by the Secretary that marketing quotas will be in effect for fire-cured (types 21-23) and dark air-cured (types 35-36) tobaccos for the three marketing years beginning October 1, 1988 and sets forth the results of the separate referendums held during the period March 28-31, 1988, in which producers of fire-cured and dark air-cured tobaccos approved marketing quotas for the 1988-89, 1989-90, and 1990-91 marketing years.

EFFECTIVE DATE: March 1, 1988.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, Room 3736 South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This program/activity is not subject to the provisions of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The purpose of this notice is to affirm the determinations of the national marketing quotas for the 1988 crops of fire-cured (type 21), fire-cured (types 22-23), dark air-cured, sun-cured, and cigar-filler and binder (types 42-44 & 53-55) tobacco which were announced by the Secretary on March 1, 1988 and to set forth certain other determinations with respect to these kinds of tobacco. On March 1, 1988 the Secretary also announced that separate referendums would be conducted by mail with respect to fire-cured and dark air-cured tobaccos.

During the period March 28-31, 1988, eligible fire-cured producers and dark air-cured producers voted in separate referendums to determine whether such producers disapprove marketing quotas for the 1988-89, 1989-90, and 1990-91 marketing years for fire-cured and dark air-cured tobaccos. Of the producers voting, 90.4 percent favored marketing quotas for fire-cured tobacco and 91.7 percent favored marketing quotas for dark air-cured tobacco. Accordingly, quotas for both kinds are in effect for the 1988-89 marketing year.

In accordance with section 312(a) of the Agricultural Adjustment Act of 1938, as amended (the "Act"), the Secretary of Agriculture is required to proclaim not later than March 1 of any marketing year with respect to any kind of tobacco, other than burley and flue-cured tobacco, a national marketing quota for any such kind of tobacco for each of the next 3 marketing years if such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect. With respect to fire-cured and dark air-cured tobaccos, the 1987-88 marketing year is the last year of three such consecutive years. Accordingly, a marketing quota for fire-cured and dark air-cured tobaccos is proclaimed for each of the three marketing years beginning October 1, 1988, October 1, 1989, and October 1, 1990. Sections 312 and 313 of the Act also provide that the Secretary shall announce the reserve supply level and the total supply of fire-cured (type 21), fire-cured (types 22-23), dark air-cured, Virginia sun-cured, and cigar-filler and binder (types 42-44 & 53-55) tobaccos for the marketing year beginning October 1, 1987, and the amounts of the national marketing quotas, national acreage allotments, and national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21), fire-cured (types 22-23), dark air-cured, Virginia sun-cured, cigar-filler and binder (types 42-44 & 53-55) tobaccos for the 1988-89 marketing year.

Section 312(b) of the Act provides, in part, that the amount of the national marketing quota for a kind of tobacco is the total quantity of that kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. Since producers of these kinds of tobacco generally produce less than their respective national acreage allotments, it has been determined that a larger quota would be necessary to make available production equal to the reserve supply level. The amount of the national marketing quota so announced may, not later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the average quantity produced and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A "normal year's exports" is defined in section 301(b)(12) of the Act as the average quantity produced in and exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

On January 11, 1988, a Notice of Proposed Determination was published (53 FR 630) in which interested persons were requested to comment with respect to these issues.

Discussion of Comments

Fourteen written responses were received in response to the Notice of Proposed Determination. Some of these comments addressed the establishment of quotas with respect to more than one kind of tobacco. A summary of these comments by kind of tobacco is as follows:

Fire-cured (type 21) tobacco: One comment was received. It recommended that the marketing quotas established for this kind of tobacco be established at the level which was applicable for the 1987 marketing year.

Virginia sun-cured (type 37) tobacco: One comment was received. It recommended that the marketing quotas established for this kind of tobacco be established at the level which was applicable for the 1987 marketing year.

Fire-cured (types 22–23) tobacco: Seven comments were received. Recommendations ranged from a 20 percent reduction to a 20 percent increase from the 1987 marketing quota.

Dark air-cured tobacco: Five comments were received. These comments ranged from a recommendation of no change in the marketing quota to an increase of 10 percent from the 1987 marketing year.

Cigar-filler and binder (types 42–44 and 53–55) tobacco: Four comments were received, but only two made specific quota recommendations. One recommended that marketing quotas be established at the same level which was applicable for the 1987 marketing year while the other recommended a 10 percent increase.

Based upon a review of these comments and the latest available statistics of the Federal Government, the following determinations have been made.

Fire-Cured (Type 21) Tobacco

The yearly average quantity of fire-cured (type 21) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1987–88 marketing year was approximately 2.4 million pounds. The average annual quantity of fire-cured (type 21) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1987–88 marketing year was 2.8 million pounds (farm sales weight basis). Domestic use has trended downward while exports have fluctuated erratically. Accordingly, a normal year's domestic consumption has been determined to be 1.7 million pounds and a normal year's exports have been determined to be 2.8 million pounds. Application of the formula prescribe by section 301(b)(14)(B) of the Act results in a reserve supply level of 9.8 million pounds.

Manufacturers and dealers reported stocks of fire-cured (type 21) tobacco held on October 1, 1987, of 7.1 million pounds. The 1987 fire-cured (type 21) tobacco crop is estimated to be 2.6 million pounds. Therefore, the total supply of fire-cured (type 21) tobacco for the 1987–88 marketing year is 9.7 million pounds. During the 1987–88 marketing year, it is estimated that disappearance will total approximately 2.4 million pounds. By deducting this disappearance from the total supply, a carryover of 7.3 million pounds at the beginning of the 1988–89 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1988 is 2.5 million pounds. This represents the quantity of fire-cured (type 21) tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level.

During the past 5 years, slightly less than half of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota of 5.5 million pounds is necessary to make available production of 2.5 million pounds. In accordance with section 312(b) of the Act, it has been further determined that the 1988–89 national marketing quota must be increased by 20 percent in order to avoid undue restriction of marketings. This results in a national marketing quota for the 1988–89 marketing year of 6.6 million pounds.

In accordance with section 313(g) of the Act, the 1988–89 national marketing quota divided by the 1983–87 5-year national average yield of 1,181 pounds per acre results in a 1988 national acreage allotment of 5,588.48 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 30.0 acres, by the total of 1988 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Fire-Cured (Types 22–23) Tobacco

The yearly average quality of fire-cured (types 22–23) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1987–88 marketing year was approximately 17.3 million pounds. The average annual quantity of fire-cured (types 22–23) tobacco product produced in the United States and exported during the 10 marketing years preceding the 1987–88 marketing year was 18.8 million pounds (farm-sales weight basis).

Domestic use and exports fluctuate widely. Accordingly, a normal year's domestic consumption has been determined to be 23.2 million pounds and a normal year's exports have been determined to be 20.1 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 101.8 million pounds.

Manufacturers and dealers reported stocks of fire-cured (types 22–23) tobacco on October 1, 1987, of 96.0 million pounds. The 1987 fire-cured (types 22–23) crop is estimated to be 23.2 million pounds. Therefore, the total supply of fire-cured (types 22–23) tobacco for the marketing year beginning October 1, 1987, is 119.2 million pounds. During the 1987–88 marketing year, it is estimated that disappearance will total approximately 36.0 million pounds. By deducting this disappearance from the total supply, a carryover of 83.2 million pounds at the beginning of the 1988–89 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1988 is 18.6 million pounds. This represents the quantity of fire-cured (types 22–23) tobacco which may be marketed which will make available during the 1988–89 marketing year a supply equal to the reserve supply level. During the past 5 years, slightly more than 95 percent of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota for the 1988–89 marketing year of 19.5 million pounds is necessary to make available production of 18.6 million pounds. In accordance with section 312(b) of the Act, it has been further determined that the 1988–89 national marketing quota must be increased by 20 percent in order to avoid undue restriction of marketings. This results in a national marketing quota for the 1988–89 marketing year of 23.4 million pounds.

In accordance with section 313(g) of the Act, the national marketing quota for the 1988–89 marketing year has been divided by the 1983–87, 5-year national average yield of 1,968 pounds per acre, to obtain a national acreage allotment of 11,890.24 acres, for the 1988–89 marketing year.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment for the 1988–89 marketing year less a national reserve of 30 acres by the total of the 1988 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Dark Air-Cured Tobacco

The yearly average quantity of dark air-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1987–88 marketing year was approximately 12.6 million pounds. The average annual quantity produced domestically and exported during this period was 2.1 million pounds (farm-sales weight basis). Both domestic use and exports have been erratic. Accordingly, 15.4 million pounds have been used as a normal year's domestic consumption and 2.5 million pounds have been used as a normal year's exports. Application of the formula required by section 301(14)(B) of the Act results in a reserve supply level of 48.8 million pounds.

Manufacturers and dealers reported stocks of dark air-cured tobacco held on October 1, 1987, of 48.7 million pounds. The 1987 dark air-cured crop is estimated to be 6.7 million pounds. Therefore, the total supply for the market year beginning October 1, 1987, is 55.4 million pounds. During the 1987–88 marketing year, it is estimated that disappearance will total approximately 12.7 million pounds. By deducting this disappearance from the total supply, a carryover of 42.7 million pounds at the beginning of the 1988–89 market year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1988 is 6.1 million pounds. This represents the quantity of dark air-cured tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. During the last 5 years, just over 90 percent of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota for the 1988–89 marketing year of 6.6 million pounds is necessary to make available production of 6.1 million pounds. In accordance with section 312(b) of the Act, it has been further determined that the 1988–89 marketing quota must be increased by 20 percent in order to avoid undue restriction of marketings. This results in a national marketing quota for the 1988–89 marketing year of 7.9 million pounds.

In accordance with sections 313(g) of the Act, the 1988–89 national marketing quota, divided by the 1983–87, 5-year national average yield of 1,964 pounds per acre, results in a national acreage allotment of 4,022.40.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 16.4 acres, by the total of the 1988 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less the national reserve, to old farms.

Virginia Sun-Cured Tobacco

The yearly average quantity of Virginia sun-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1987–88 marketing year was approximately 500 thousand pounds. The average annual quantity produced in the United States and exported during the same period was approximately 150 thousand pounds (farm-sales weight basis). Both domestic use and exports have shown a downward trend. Accordingly, a quantity of 250 thousand pounds has been determined to be a normal year's domestic consumption and a quantity of 135 thousand pounds has been determined to be a normal year's exports. Applications of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 955 thousand pounds.

Manufacturers and dealers reported stocks of Virginia sun-cured tobacco held on Ocober 1, 1987 of 1,000 thousand pounds. The 1987 Virginia sun-cured tobacco crop is estimated to be 130 thousand pounds. Therefore, the total supply of Virginia sun-cured tobacco for the 1987–88 marketing year is 1,130 thousand pounds. During the 1987–88 marketing year, it is estimated that disappearance will total approximately 300 thousand pounds. By deducting this disappearance from the total supply, a carryover of 830 thousand pounds at the beginning of the 1988–89 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1988 is 125 thousand pounds. This represents the quantity of Virginia sun-cured tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. During

the last 5 years, less than one-fourth of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota of 533 thousand pounds is necessary to make available production of 125 thousand pounds. Increasing the quota by 20 percent in accordance with section 312(b) of the Act to 640 thousand pounds is necessary to avoid undue restriction of marketings. This results in a national marketing quota for the 1988–89 marketing year of 640 thousand pounds.

In accordance with section 313(g) of the Act, the 1988–89 national marketing quota divided by the 1983–87 5-year national average yield of 1,075 pounds per acre, results in a 1988 national acreage allotment of 595.35 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 1.9 acres, by the total of the 1988 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Cigar-Filler and Binder (Types 42–44 and 53–55) Tobacco

The yearly average quantity of cigar-filler and binder (types 42–44 & 53–55) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1987–88 marketing year was approximately 22.1 million pounds. The average annual quantity of cigar-filler and binder (types 42–44 & 53–55) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1987–88 marketing year was very small. Domestic use has trended downward and exports are small. Accordingly, a normal year's domestic consumption has been established at 19.2 million pounds while a normal year's exports have been established at .06 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 55.5 million pounds.

Manufacturers and dealers report stocks of cigar-filler and binder (types 42–44 & 53–55) tobacco held on October 1, 1987 of 53.8 million pounds. The 1987 cigar-filler and binder crop is estimated to be 7.8 million pounds. Therefore, the total supply of cigar-filler and binder (types 42–44 & 53–55) tobacco for the 1987–88 marketing year is 61.6 million pounds. During the 1987–88 marketing year, it is estimated that disappearance will total about 16.0 million pounds. By deducting this disappearance from the total supply, a carryover of 45.6 million pounds at the beginning of the 1988–89 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1988 is 9.9 million pounds. This represents the quantity of cigar-filler and binder tobacco which may be marketed which will make available during such a marketing year a supply equal to the reserve supply level. During the past 5 years, approximately 72 percent of the announced national marketing quota has been produced. Accordingly, it has been determined that a 1988–89 national marketing quota of 13.8 million pounds is necessary to make available production of 9.9 million pounds. Increasing the quota by 20 percent in accordance with section 312(b) of the Act to 16.6 million pounds is necessary to avoid undue restrictions of marketings. This results in a national marketing quota for the 1988–89 marketing year of 16.6 million pounds.

In accordance with section 313(g) of the Act, the 1988–89 national marketing quota of 16.6 million pounds divided by the 1983–87 5-year national average yield of 2,001 pounds per acre results in a 1988–89 national acreage allotment of 8,295.85 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 33 acres, by the total of the 1988 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less the national reserve, to old farms.

Accordingly, the following determinations announced by the Secretary of Agriculture on March 1, 1988 are affirmed:

Proclamations of National Marketing Quotas for Fire-Cured and Dark Air-Cured Tobaccos

Since the 1987–88 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for fire-cured and dark air-cured tobaccos, a national marketing quota for such kinds of tobacco for each of the 3 marketing years beginning October 1, 1988, October 1, 1989, and October 1, 1990 is proclaimed.

Determinations for the 1988–89 Marketing Years of Fire-Cured (Type 21), Fire-Cured (Types 22–23), Dark Air-Cured, Virginia Sun-Cured, and Cigar-Filler and Binder (Types 42–44 and 53–55) Tobacco

Referendum Results

Marketing quotas shall be in effect for the 1988–89 marketing year for fire-cured (types 21–23) and dark air-cured tobaccos. In referendums held during the period March 28–31, 1988, 90.4 percent of producers of fire-cured tobacco voted in favor of marketing quotas, and 91.7 percent of producers of dark air-cured voted in favor of marketing quotas.

The following is a summary, by State, of the results of each referendum:

	Total votes	Yes votes	No votes	Votes (percent)
Fire-cured:				
Virginia	697	643	54	92.3
Kentucky	2,732	2,504	228	91.7
Tennessee	2,947	2,614	333	88.7
Total	6,376	5,761	615	90.4
Dark air-cured:				
Indiana	11	10	1	90.9
Kentucky	4,949	4,535	414	91.6
Tennessee	1,439	1,320	119	91.7
Total	6,399	5,865	534	91.7

With respect to fire-cured (type 21) tobacco for the marketing year beginning October 1, 1988:

(a) *Reserve supply level.* The reserve supply level for fire-cured (type 21) tobacco is 9.8 million pounds.

(b) *Total supply.* The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1987, is 9.7 million pounds.

(c) *Carryover.* The estimated carryover of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1988, is 7.3 million pounds.

(d) *National marketing quota.* The 1988–89 national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1988, is 6.6 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 5,588.48 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments is 1.0.

(g) *National reserve.* The national acreage reserve is 30 acres of which 5 acres are made available for the 1988 new farms and 25 acres are made

available for making corrections and adjusting inequities in old farm allotments.

With respect to fire-cured (types 22–23) tobacco for the marketing year beginning October 1, 1988:

(a) *Reserve supply level.* The reserve supply level for fire-cured (types 22–23) tobacco is 101.8 million pounds.

(b) *Total supply.* The total supply of fire-cured (types 22–23) tobacco for the marketing year beginning October 1, 1987, is 119.2 million pounds.

(c) *Carryover.* The estimated carryover of fire-cured (types 22–23) tobacco for the marketing year beginning October 1, 1988, is 83.2 million pounds.

(d) *National marketing quota.* The 1988–89 national marketing quota for fire-cured (types 22–23) tobacco for the marketing year beginning October 1, 1988, is 23.4 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 11,890.24 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1988–89 marketing year is 1.0.

(g) *National reserve.* The national acreage reserve is 30 acres of which 5 acres are made available for 1988 new farms, and 25 acres are made available for making corrections and adjusting inequities in old farm allotments.

With respect to dark air-cured tobacco for the marketing year beginning October 1, 1988:

(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 48.8 million pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1987, is 55.4 million pounds.

(c) *Carryover.* The estimated carryover of dark air-cured tobacco for the marketing year beginning October 1, 1988, is 42.7 million pounds.

(d) *National marketing quota.* The 1988–89 national marketing quota for dark air-cured (types 35 & 36) tobacco for the marketing year beginning October 1, 1988, is 7.9 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 4,022.40 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1988–89 marketing year is 1.0.

(g) *National reserve.* The national acreage reserve is 16.4 acres, of which 2.4 acres are made available for 1988 new farms and 14.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

With respect to Virginia sun-cured tobacco for the marketing year beginning October 1, 1988:

(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 955 thousand pounds.

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1987 is 1,130 thousands pounds.

(c) *Carryover.* The estimated carryover of Virginia sun-cured tobacco for the marketing year beginning October 1, 1988, is 830 thousand pounds.

(d) *National marketing quota.* The national marketing quota for Virginia sun-cured (type 37) tobacco for the marketing year beginning October 1, 1988, is 640 thousand pounds.

(e) *National acreage allotment.* The national acreage allotment is 595.35 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1988–89 marketing year is 1.0.

(g) *National reserve.* The national acreage reserve is 1.9 acres, of which 0.9 acres are made available for 1988 new farms, and 1.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

With respect to cigar-filler and binder (types 42–44 & 53–55) tobacco for the marketing year beginning October 1, 1988:

(a) *Reserve supply level.* The reserve supply level for cigar-filler and binder (types 42–44 & 53–55) tobacco is 55.5 million pounds.

(b) *Total supply.* The total supply of cigar-filler and binder (types 42–44 & 53–55) tobacco for the marketing year beginning October 1, 1987 is 61.6 million pounds.

(c) *Carryover.* The estimated carryover of cigar-filler and binder (types 42–44 & 53–55) tobacco for the marketing year beginning October 1, 1988 is 45.6 million pounds.

(d) *National marketing quota.* The amount of the national marketing quota for cigar-filler and binder (types 42–44, 53–55) tobacco for the marketing year beginning October 1, 1988, is 16.6 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 8,295.85 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1988–89 marketing year is 1.0

(g) *National reserve.* The national acreage reserve is 33 acres, of which 30.0 acres are made available for 1988 new farms, and 3.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

Authority: Secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 66, as amended (7 U.S.C. 1301, 1312, 1313, 1375).

Signed at Washington, DC, on May 6, 1988.

Milton Hertz,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 88-11406 Filed 5-19-88; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

1988-89 National Marketing Quota and Price Support Level for Burley Tobacco

AGENCY: Agricultural Stabilization and Conservation Service (ASCS) and Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of determination.

SUMMARY: The purpose of this notice is to affirm determinations made by the Secretary of Agriculture with respect to the 1988 crop of burley tobacco in accordance with the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended. In addition to other determinations, the Secretary of Agriculture determined the 1988 marketing quota for burley tobacco to be 473.3 million pounds and that the price support level for the 1988 crop would be $1.500 per pound.

EFFECTIVE DATE: February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, Room 3736-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region, or (3) significant adverse effects on competition, employment, investment,

productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enerprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loan and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since neither the Agricultural Stabilization and Conservation Service (ASCS) nor the Commodity Credit Corporation (CCC) are required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This notice of determination is issued in accordance with the Agricultural Adjustment Act of 1938, as amended (the "1938 Act"), and the Agricultural Act of 1949, as amended (the "1949 Act"), in order to announce for the 1988 marketing year for burley tobacco the following:

1. The amount of domestic manufacturers intentions;
2. The amount of the average exports for the 1985, 1986, and 1987 crop years;
3. The amount of the reserve stock level;
4. The amount of adjustment needed to maintain loan stocks at the reserve stock level;
5. The amount of the national marketing quota;
6. The national acreage reserve:
   A. For establishing acreage allotments for new farms, and
   B. For making corrections and adjusting inequities in old farms;
7. The national factor; and
8. The price support level.

The determinations set forth in this notice have been made on the basis of the latest available statistics of the Federal Government.

Marketing Quotas

Section 319 of the 1938 Act provides, in part, that the national marketing quota for a marketing year for burley tobacco is the quantity of such tobacco that is not more than 103 percent and not less than 97 percent of the total of: (1) The amount of burley tobacco that domestic manufacturers of cigarettes estimate they intend to purchase in U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the three marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, necessary to adjust loan stocks to the reserve stock level. Section 319(a)(3)(B) further provides that, with respect to the 1986 through 1989 marketing years, any reduction in the national marketing quota being determined shall not exceed six percent of the previous year's national marketing quota. The "reserve stock level" is defined in section 301(b)(14)(D) of the 1938 Act as the greater of 50 million pounds or 15 percent of the national marketing quota for burley tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 320A of the 1938 Act provides that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1988 crop of burley by January 15, 1988. Six such manufacturers were required to submit such a statement for the 1988 crop and the total of their intended purchases for the 1988 crop was 364.5 million pounds.

For the years prior to 1986, industry officials noted that significant amounts of both domestic and foreign-grown burley tobaccos blended with domestic flue-cured tobacco were reported to the Bureau of Census as flue-cured tobacco exports. Census recorded exports of burley totaled 150.6 million pounds, farm sales-weight, for the 1985–86 year; however, the USDA adjused number more accurately reflects actual exports.

At the request of the Bureau of Census, exporters have enhanced the accuracy of their declarations. It appears that due to shifts among certain export categories beginning in 1986, Census data are now significantly more accurate. Because of this, actual Census data was used for 1986–87. Accordingly, the three-year average of exports is 165 million pounds. This is based on adjusted 1985 exports of 164.6 million pounds, 1986 Census-reported exports of 165.3 million pounds, and USDA-projected 1987 exports of 165 million pounds.

In accordance with section 301(b)(14)(D) of the 1938 Act, the reserve stock level is the greater of 50 million pounds or 15 percent of the 1987 marketing quota for burley tobacco. The national marketing quota for the 1987 crop year was 464 million pounds (52 FR 18255). Accordingly, the reserve stock level for use in determining the 1988 marketing quota for burley tobacco is 70 million pounds.

As of January 22, 1988 the two loan associations had in their inventory 61 million pounds of 1985 and 1986 crop burley tobacco which remained unsold (net of deferred sales). In addition, an estimated 92 million pounds of the 1987 crop was expected to be pledged as collateral for price support loans. The amount of tobacco in excess of the reserve stock level is estimated at 83 million pounds (61 million pounds plus 92 million pounds minus 70 million pounds). However, the 1938 Act limits the downward adjustment to one-half the excess reserves. Therefore, the adjustment to the reserve stock level is a decrease of 41.5 million pounds.

The total of the three marketing quota components for the 1988–89 marketing year is 488 million pounds. Section 319 of the 1938 Act further provides that the Secretary may increase or decrease the total by 3 percent. To ensure against the development of an oversupply situation, the Secretary exercised this discretionary authority to decrease the three-component total by three percent. Accordingly, the national marketing quota for the marketing year beginning October 1, 1988 for burley tobacco is 473.4 million pounds.

In accordance with section 319(c) of the 1938 Act (7 U.S.C. 1314(e)), the Secretary is authorized to establish a national reserve from the national acreage allotment in an amount equivalent to not more than 3 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting for inequities, and for establishing allotments for new farms. The Secretary has determined that a national reserve for the 1988 crop of burley tobacco of 490,000 pounds is adequate for these purposes.

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level which is determined in accordance with a formula prescribed in section 106 of the 1949 Act. With respect to the 1988 crop of burley tobacco, the level of support is determined in accordance with sections 106(d) and (f) of the 1949 Act.

Section 106(f)(4) of the 1949 Act provides that the level of support of the 1988 crop of burley tobacco shall be: (1) The level in cents per pound at which the 1987 crop of burley tobacco was supported, plus or minus, respectively, (2) an adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by

producers for burley tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year for which the determination is being made, excluding the year in which the average price was the lowest in such period, is greater or less than

(II) The average price received by producers for burley tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year prior to the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by burley tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year in which the determination is made.

For the purpose of calculating the market-price component of the support level, the 1949 Act provides that the average market price be reduced 3.9 cents per pound for the 1985 marketing year and 30 cents per pound for prior marketing years.

The difference between the two 5-year averages (the difference between (A)(I) and (A)(II)) is 1.8 cents per pound. The difference in the cost index from January 1 to December 31, 1987 is 0.6 cents per pound.

Applying these components to the price support formula (1.8 cents per pound, two-thirds weight; 0.6 cents per pound, one-third weight) results in a 1.4 cent increase in the level of price support from the previous year. However, section 106 further provides that the Secretary may limit the change in the price support level to no less than 65 percent of the change that otherwise would have occurred if an oversupply exists for such kind of tobacco. The total supply of burley is sufficient for about 2.95 years' use. This ratio is expected to drop to 2.75 in 1988. Generally, a quantity which is equal to 2.6 years' use is considered to be normal. Since supplies are only slightly excessive, the increase in price support has been limited to 86 percent of the increase that would have otherwise been established.

Section 106(f)(8) of the 1949 Act provides that the price support level for the 1988 crop of burley tobacco will be reduced by 1.4 percent from the level otherwise determined in accordance with section 106 or that in lieu of such a reduction, an assessment be established in an amount that will realize a reduction in outlays which would have resulted from such a reduction in the price support level. On March 18, 1988, the Secretary announced that an assessment of .4 cents per pound would be imposed, with producers and purchasers of burley tobacco each being responsible for one-half of this amount. Accordingly, the 1988 crop of burley tobacco will be supported at 150.0 cents per pound.

The level of support for the 1988 crop of burley tobacco was announced on March 18, 1988 and the national marketing quota for the 1988 burley marketing year was announced on February 1, 1988 by the Secretary of Agriculture. This notice affirms these determinations.

Determinations 1988–89 Marketing Year

Accordingly, the following determinations have been made for burley tobacco for the marketing year beginning October 1, 1988:

(a) *Domestic manufacturers' intentions.* Manufacturers' intentions to purchase for the 1988 year totaled 364.5 million pounds.

(b) *3-year average exports.* The 3-year average of exports is 165 million pounds, based on exports of 164.6 million pounds, 165.3 million pounds and 165 million pounds for the 1985, 1986, and 1987 crop years, respectively.

(c) *Reserve stock level.* The reserve stock is 70 million pounds, based on 15 percent of 1987's national marketing quota of 464 million pounds.

(d) *Adjustment for the reserve stock level.* The adjustment for the reserve stock level is 41.5 million pounds, based on a reserve stock level of 70 million pounds, anticipated loan stocks of 153 million pounds, and the requirement that the adjustment be limited to half the excess if the excess exceeds 70 million pounds.

(e) *National marketing quota.* The national marketing quota is 473.4 million pounds.

(f) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm acreage allotments and for establishing allotments for new farms has been determined to be 490,000 pounds.

(g) *National acreage factor.* The national factor is determined to be 1.02.

(h) *Price support level.* The level of support for the 1988 crop of burley tobacco is 150.0 cents per pound.

(Secs. 301, 313, 317, 375, 52 Stat. 38, as amended 47, as amended, 79 Stat. 66, as amended (7 U.S.C. 1301, 1313, 1314c, 1375); Secs. 106, 401, 74 Stat. 6, as amended, 63 Stat. 1054, as amended (7 U.S.C. 1445, 1421))

Signed at Washington, DC, on May 13, 1988.

Milton Hertz,

Administrator, Agricultural Stabilization and Conservation Service and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 88-11407 Filed 5-19-88; 8:45 am]

BILLING CODE 3410-05-M

Food and Nutrition Service

National Advisory Council on Child Nutrition; Meeting

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the National Advisory Council on Child Nutrition, established by section 15 of the National School Lunch Act to make a continuing study of the Child Nutrition Programs of the United States Department of Agriculture, has scheduled a meeting for June 7–9, 1988.

DATE: The meeting will take place from 9:00 a.m. to 5:00 p.m. on Tuesday and Wednesday, June 7 and 8 and from 9:00 a.m. to noon on Thursday, June 9.

ADDRESS: The meeting will be held at the Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT: Mr. Lou Pastura, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 756-3620.

SUPPLEMENTARY INFORMATION: The meeting will be devoted primarily to a discussion of current program issues and the development of the 1988 biennial report to the President and the Congress. If time permits, the general public will be allowed to participate in the discussions. The agenda will be available 15 days prior to the meeting. Requests for the agenda should be sent to Mr. George A. Braley, Executive Secretary, National Advisory Council on Child Nutrition, U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302.

Dated: May 13, 1988.

Anna Kondratas,

Administrator, Food and Nutrition Service.

[FR Doc. 88-11409 Filed 5-19-88; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Klamath National Forest; Kangaroo Fire Recovery; Siskiyou County, CA; Environmental Impact Statement; Cancellation

The Department of Agriculture, Forest Service, has withdrawn its proposal to implement fire recovery projects on a portion of the Fort/Copper fire area on the Oak Knoll Ranger District; the project boundary being the Kangaroo released roadless area.

The Notice of Intent, published in the Federal Register of February 11, 1988, is hereby rescinded (53 FR 4049).

FOR FURTHER INFORMATION CONTACT: JoEllen J. Keil, Resource Officer, Oak Knoll Ranger District, Klamath National Forest, 22541 Highway 96, Klamath River, California 96050; telephone (916) 465–2241.

Date: May 9, 1988.

Barbara Holder,

Deputy Forest Supervisor.

[FR Doc. 88–11219 Filed 5–19–88; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Technology Medal Nomination Evaluation Committee; Meeting

AGENCY: Office of Productivity, Technology and Innovation, Office of Economic Affairs, Commerce.

ACTION: Notice of meeting.

SUMMARY: This notice announces the forthcoming meeting of the National Technology Medal Nomination Evaluation Committee. The Committee was chartered on February 9, 1984 and rechartered February 4, 1988. The Committee makes recommendations to the Secretary of Commerce, through a Steering Committee, concerning award of the National Technology Medal.

The Committee will meet to discuss primarily organizational matters dealing with the committee and to acquaint new members of the Committee with its procedures and operations.

Time and Place: The meeting will be open and will begin at 10:00 a.m. and end at 3:30 p.m. on May 24. The meeting will be held in Room 280 of the National Academy of Engineering, 2101 Constitution Avenue, NW., Washington DC, 20418.

FOR FURTHER INFORMATION CONTACT: Dr. Paul Braden, Executive Director, National Medal Nomination Evaluation Committee, Room 4814–B, Herbert C. Hoover Building, U.S. Department of Commerce, Washington, DC 20230, (202) 377–5572.

SUPPLEMENTARY INFORMATION: Due to scheduling difficulties of various committee members, it was not possible to provide 15 days notice for the meeting.

Date: May 17, 1988.

Jack Williams,

Director, Office of Productivity, Technology and Innovation.

[FR Doc. 88–11430 Filed 5–19–88; 8:45 am]

BILLING CODE 3510–18–M

Minority Business Development Agency

Minority Business Development Application; Richmond, VA

AGENCY: Minority Business Development Agency, Commerce

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 12 months is estimated at $194,118 for the project performance of October 1, 1988 to September 30, 1989. The MBDC will operate in the Richmond, Virginia Metropolitan Statistical Area. The first year cost for the MBDC will consist of $165,000 in Federal Funds and a minimum of $29,118 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services). The award number will be 03–10–88006–01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MDBA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for applications is June 30, 1988. Applications must be postmarked on or before June 30, 1988.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, Room 6723, Washington, DC 20230, 202/377–8275.

FOR FURTHER INFORMATION CONTACT: Willie J. Williams, Regional Director, Washington Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: May 16, 1988.

Willie J. Williams,

Regional Director, Washington Regional Office.

[FR Doc. 88–11388 Filed 5–19–88; 8:45 am]

BILLING CODE 3510–21–M

COMMITTEE FOR PURCHASE FROM BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1988; Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to and Deletion from Procurement List.

SUMMARY: This action adds to and deletes from Procurement List 1988 a commodity to be produced and services

to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 20, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: E. R. Alley, Jr. (703) 557–1145.

SUPPLEMENTARY INFORMATION: On November 6, 1987 and March 11 and March 25, 1988, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (52 FR 42704, 53 FR 7963, and 53 FR 9798) of proposed additions to and deletion from Procurement List 1988, December 10, 1987 (52 FR 46926).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6. I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodity and services listed.

c. The actions will result in authorizing small entities to produce the commodity and provide the services procured by the Government.

Accordingly, the following commodity and services are hereby added to Procurement List 1988:

Commodity

Pad, Desk, Paperboard
7520–00–224–7238

Services

Litter Pick-Up
Tinker Air Force Base, Oklahoma
Preservation and Packaging
New Cumberland Army Depot,
Pennsylvania
Removal of Tool Identification Numbers
Tinker Air Force Base, Oklahoma

Deletion

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

Service

Administrative Services
Environmental Protection Agency at the following locations:
Beltsville Research Laboratory
Beltsville, Maryland
6100 Executive Boulevard
Rockville, Maryland
9100 Brookville Road
Silver Spring, Maryland

E. R. Alley, Jr.,
Acting Executive Director.

[FR Doc. 88–11371 Filed 5–19–88; 8:45 am]
BILLING CODE 6820–33–M

Procurement List 1988; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1988 a commodity to be produced and a service to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: June 20, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: E.R. Alley, Jr. (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1988, December 10, 1987 (52 FR 46926).

Commodity

Rag, Wiping
7920–00–205–1711
(Requirements for Warner Robins, Georgia only)

Service

Commissary Shelf Stocking, Custodial and Warehouse Service
McClellan Air Force Base, California

E.R. Alley, Jr.,
Acting Executive Director.

[FR Doc. 88–11372 Filed 5–19–88; 8:45 am]
BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board, Meeting

May 17, 1988.

The USAF Scientific Advisory Board Ad Hoc Committee on Integrated Avionics will meet on 6–7 June 1988, from 8:00 a.m. to 5:00 p.m., at The Boeing Company, Seattle, Washington 98124–2207.

The purpose of this meeting is to review the status of technology programs and full-scale development programs pertinent to the Air Force research and development efforts in integrated avionics. This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Patsy J. Conner,
Air Force Federal Register Liaison Officer.

[FR Doc. 88–11347 Filed 5–19–88; 8:45 am]
BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

May 17, 1988.

The USAF Scientific Advisory Board Ad Hoc Committee on Integrated Avionics will meet on 6–7 June 1988, from 8:00 a.m. to 5:00 p.m., at the McDonnell Douglas Corporation, St. Louis, MO 63166.

The purpose of this meeting is to review the status of technology programs and full-scale development programs pertinent to the Air Force research and development efforts in integrated avionics. This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 88–11348 Filed 5–19–88; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

May 17, 1988.

The USAF Scientific Advisory Board Ad Hoc Committee on Integrated Avionics will meet on 13–15 June 1988, from 8:00 a.m. to 5:00 p.m., at the TRW Electronic Systems Group, San Diego, CA 92128.

The purpose of this meeting is to review the status of technology programs and full-scale development programs pertinent to the Air Force research and development efforts in integrated avionics. This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 88–11349 Filed 5–19–88; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

May 17, 1988.

The USAF Scientific Advisory Board Ad Hoc Committee on Integrated Avionics will meet on 13–15 June 1988, from 8:00 a.m. to 5:00 p.m., at Hughes Aircraft Company, Los Angeles, CA 90045–0066.

The purpose of this meeting is to review the status of technology programs and full-scale development programs pertinent to the Air Force research and development efforts in integrated avionics. This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 88–11351 Filed 5–19–88; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

May 17, 1988.

The USAF Scientific Advisory Board Ad Hoc Committee on Integrated Avionics will meet on 29–30 June 1988, from 8:00 a.m. to 5:00 p.m., at the Pentagon, Washington, DC 20330–5430.

The purpose of this meeting is to review the status of technology programs and full-scale development programs pertinent to the Air Force research and development efforts in integrated avionics. This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 88–11350 Filed 5–19–88; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement Between the USA and Switzerland

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above-mentioned agreements for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: From Switzerland to United Kingdom (British Nuclear Fuels, plc.) for the purpose of reprocessing, 126 irradiated fuel assemblies, containing approximately 50,000 kilograms of uranium, enriched to approximately 0.9% in U–235 and 520 kilograms of plutonium, from the Gosgen-Daniken nuclear power station. This subsequent arrangement is designated as RTD/EU (SD)–70. The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored in the United Kingdom, and will not be transferred from the United Kingdom, nor put to any use, without the prior consent of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continous session of the Congress, beginning the day after the date on which the reports required by section 131b(1) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Commission on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Date: May 17, 1988.

George J. Bradley Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc 88–11326 Filed 5–19–88; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement Between the USA and Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the Euorpean Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

These subsequent arrangements would give approval, which must be obtained under the above-mentioned agreements for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: from Switzerland to France,

Compagnie Generale des Matieres Nucleaires (COGEMA), for the purpose of reprocessing, 60 irradiated fuel assemblies, containing approximately 10,567 kilograms of uranium, enriched to approximately 0.81% in U–235 and 92 kilograms of plutonium, from the Muhleberg nuclear power station, and 96 irradiated fuel assemblies, containing approximately 29,613 kilograms of uranium, enriched to approximately 1.02% in U–235 and 294 kilograms of plutonium, from the Beznau nuclear power station. These subsequent arrangements are designated as RTD/EU(SD)–68 and RTD/EU(SD)–69, respectively. The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored in France, and will not be transferred from France, nor put to any use, without the prior consent of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: May 17, 1988.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 88–11327 Filed 5–19–88; 8:45 am]

BILLING CODE 6450–01–M

Liquids Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation, National Petroleum Council; Open Meeting

Notice is hereby given of the following meeting:

Name: Liquids Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Friday, June 3, 1988, 10:00 a.m. (Please note: This meeting replaces the one scheduled for May 25, 1988, which had to be canceled.)

Place: O'Hara Marriott Hotel, Salon A, 8535 West Higgins, Chicago, Illinois.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–1), Washington, DC 20585, Telephone: 202/586–4695.

Purpose of the parent council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Purpose of the meeting: Discuss pipeline survey and progress on individual assignments.

Tentative Agenda:

Opening remarks by Chairman and Government Cochairman.

Discuss the pipeline survey.

Review progress on individual assignments.

Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

Public Participation: The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between the hours of 9:00 AM and 4:00 PM Monday through Friday, except Federal holidays.

Donald L. Bauer,

Principal Deputy Assistant Secretary, Fossil Energy.

[FR Doc. 88–11478 Filed 5–18–88; 2:30 pm]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 88–22–NG]

Phillips 66 Natural Gas Co. and Marathon Oil Co.; Application To Amend Authorization To Export Liquefied Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to amend authorization to export liquefied natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on April 11, 1988, of an application filed by Phillips 66 Natural Gas Company (Phillips 66) and Marathon Oil Company (Marathon) requesting approval of a 15-year extension and modification of their existing authorization to export liquefied natural gas (LNG) from the Kenai peninsula of Alaska to Japan.

The application is filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed no later than June 20, 1988.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Natural Gas Division, Economic Regulatory Administration, U.S. Department of Energy, Forrestal Building, Room GA–076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8233

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667

SUPPLEMENTARY INFORMATION: The LNG export authorization held by Phillips 66 and Marathon was granted originally by the Federal Power Commission on April 19, 1967 (37 FPC 777), and was subsequently amended by DOE/ERA Opinion and Order No. 49 (1 ERA ¶ 70,116, December 14, 1982); DOE/ERA Opinion and Order No. 49A (1 ERA ¶ 70,127, April 3, 1986); and DOE/ERA Opinion and Order No. 206 (Order 206) (1 ERA ¶ 70,128, November 16, 1987). The applicants currently are authorized to export annually through May 31, 1989 up to 50.57 trillion Btus of LNG from the Kenai LNG plant in the Cook Inlet area of Alaska to two Japanese customers, the Tokyo Electric Power Company, Inc., and the Tokyo Gas Company, Ltd. Order 206 approved application of the following pricing formula to these LNG sales:

$$\text{Price for Calendar Month} = 592.8 \times \frac{\text{Avg. selling price (month prior to Calendar month)}}{34.48} + \text{Adjustment}$$

Where: *average selling price* is the weighted average official price in U.S. dollars per barrel for the top 20 crude oils imported into Japan in the previous year and sold on a term basis.

adjustment is an adjustment required to keep the price of Alaskan LNG competitive with other sales of LNG in the Japanese market (the adjustment changes as frequently as market conditions require or on request of either party).

Phillips 66 and Marathon request the ERA to extend their export authorization under modified terms through March 31, 2004, in accordance with an agreement in principle reached between themselves and their Japanese buyers. The agreement reflects four principal changes to the contractual arrangement currently authorized by Order 206. First, the contract year has been changed from a twelve-month period beginning June 1 to a twelve-month period beginning April 1. Second, the pricing formula set forth above has been amended to limit the presently unspecified "adjustment" factor to a range of 30.0 cents (plus or minus) per MMBtu. Third, commencing April 1, 1989, the annual contract quantity (ACQ) has been increased from 50.57 trillion Btu's per year to 52.0 trillion Btu's per year. This quantity will increase to 57.5 trillion Btu's per year beginning in the first contract year in which applicants place larger LNG tankers into operation for the entire contract year. According to the application, an increase to 57.5 trillion Btu's is likely to occur for the contract year commencing April 1, 1994, but could occur as early as the contract year commencing April 1, 1993. Fourth, buyers may request additional deliveries up to a maximum of 6 percent of the ACQ, as increased above, during any contract year.

In support of their application, Phillips 66 and Marathon state that extension of the export would continue the beneficial impact of the project on the economy of the State of Alaska and on the balance of payments between the United States and Japan. The applicants also state that, in light of the current natural gas surplus in Alaska and in the lower forty-eight states, there is no evidence of either regional or national need for the gas proposed to be exported. The applicants included as part of their application an analysis of the economic impacts of the proposed export. Further, they assert that the pricing formula will continue to provide parties with the flexibility to respond to market conditions and therefore is consistent with ERA policy.

Phillips 66 and Marathon request that this amendment be granted on an expedited basis. An ERA decision on their request for expedited treatment will not be made until all responses to this notice have been received and evaluated.

This export application will be reviewed pursuant to Section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order No. 0204–111. The decision on whether this export of natural gas is in the public interest will be based upon consideration of domestic need for the gas and such other matters as the Administrator finds to be appropriate in the particular circumstances of this case.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestants a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590.

Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–076, RG–23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. They must filed no later than 4:30 p.m. e.d.t., June 20, 1988.

The Administrator intends to develop a decisional record on the application through reponses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 20 CFR 590.316.

A copy of Phillip 66's and Marathon's application is available for inspection and copying in the Natural Gas Division Docket Room, GA–076–A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30

p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 16, 1988.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-11328 Filed 5-19-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 9260-001]

Adirondack Hydro Development Corp.; Availability of Environmental Assessment and Finding of No Significant Impact

May 18, 1988.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the application for major license listed below and has assessed the environmental impacts of the proposed development.

LICENSE

Project No.	Project name	State	Water body	Nearest town or county	Applicant
9260-001	Sissonville Project	NY	Raquette River	St. Lawrence	Adirondack Hydro Development Corp.

An Environmental Assessment (EA) was prepared for the above proposed project. Based on independent analysis of the above action as set forth in the EA, the Commission's staff concludes that this project would not have significant effects on the quality of the human environment. Therefore, an environmental impact statement for this project will not be prepared. Copies of the EA are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Acting Secretary.

Environmental Assessment

Federal Energy Regulatory Commission
Office of Hydropower Licensing
Division of Project Review

Sissonville Hydroelectric Project

[FERC Project No. 9260-001—New York]

April 22, 1988.

I. Application

On May 8, 1986, the Adirondack Hydro Development Corporation (Adirondack Hydro) filed an application for a license for the Sissonville Hydroelectric Project, a major project of 2.3 megawatts (MW). Adirondack Hydro supplemented the application on December 23, 1986, and October 29, 1987.

The project would be located on the Raquette River, a major tributary to the St. Lawrence River in northern New York State. The project site is located 1.5 miles downstream from the Village of Potsdam, in St. Lawrence County, New York (figure 1).

II. Resource Development

A. Purpose

The proposed project would provide an estimated 12,677,000 kilowatthours (kWh) of electrical energy per year to the Niagara Mohawk Power Corporation [NMPC].

B. Need for Power

The power from the project would be useful in meeting a small portion of the need for power projected for the New York Power Pool of the Northeast Power Coordinating Council (NPCC) region. From the time the project goes on-line (i.e., into commercial operation), it would be available to displace fossil-fueled, electric power generation in the NPCC region, thus conserving nonrenewable fossil fuels and reducing the emission of noxious byproducts caused by the combustion of fossil fuels.

III. Proposed Project and Alternatives

A. The Proposed Project

1. Project Description

The proposed project consists of reconstructing a breached dam, which is owned by the applicant, and constructing a new concrete powerhouse. The project features include the following facilities: (1) A 14-foot high, 370-foot-wide dam with a spillway at elevation 394 feet mean sea level (msl); (2) a 30-acre reservoir with a storage capacity of 205 acre-feet at 394 feet msl; (3) a 45-foot wide, 22-foot high intake structure; (4) a headrace channel approximately 160 feet long and 60 feet wide; (5) a concrete powerhouse 40 feet wide and 100 feet long containing one turbine/generator with an installed capacity of 2.3 MW; (6) a tailrace channel approximately 970 feet long and 60 feet wide; (7) a 400-foot-long bypassed reach; (8) a 13.2 kilovolt (kV), 4,000-foot-long transmission line; and (9) appurtenant facilities. The project has a hydraulic range from 440 cubic feet per second (cfs) to 2,200 cfs and would generate an average of 12,677,000 kWh when operating with a net head of 15 feet. The power produced by the project would be sold to the NMPC.

2. Proposed Mitigative Measures

Adirondack Hydro proposes to reduce the impacts of developing the project by implementing the following mitigative measures: (1) Analyzing the sediments to be removed from the project site for contaminants prior to initiating project construction; (2) disposing of the sediments in a manner approved by the New York State Department of Environmental Conservation (DEC); (3) consulting with the DEC to determine a schedule for installing cofferdams, removing sediments, and altering the waterflows prior to construction; (4) utilizing bedrock removed from the tailrace to stabilize the riverbank and to minimize erosion; and (5) releasing 200 cfs into the 400-foot-long bypassed reach during the spring to provide spawning habitat for resident fish and releasing 100 cfs during the remainder of the year. In addition, Adirondack Hydro has purchased a 9-acre parcel of land along the Raquette River for mitigating the anticipated loss of 7.9 acres of woodland from the developing the proposed project.

B. Alternative to the Proposed Project

Because Adirondack Hydro is not an electrical utility, the only alternative to the proposed action, in the event of denial of license, is to not construct the project. If the license is not issued, the project would not be constructed, and

the power that would have been developed from a renewable resource would be lost, and eventually may have to be produced using nonrenewable fuels or be offset by energy conservation measures.

C. No-Action Alternative

The no-action alternative would prohibit Adirondack Hydro from constructing the proposed project. The no-action alternative would mean no alteration of the existing environment and would preclude the applicant from producing electricity at the site.

IV. Consultation and Compliance

A. Agency Consultation

The Commission's regulations require prospective applicants to consult with the appropriate resource agencies before filing an application for license. This consultation constitutes an initial step in compliance with the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, and other federal statutes. Prefiling consultation must be completed and documented in accordance with the Commission's regulations.

After the Commission accepts an application, concerned entities may submit formal comments during a public notice period. In addition, organizations and individuals may petition to intervene and to become a party to any subsequent proceedings. The Commission makes the comments of the concerned entities part of the record and the staff considers the comments during the review of the proposed project.

The following entities commented on the project or petitioned to intervene, pursuant to the Commission's public notice of the application dated February 18, 1987.

	Date of letter
Commenting entity:	
Environmental Protection Agency	3/12/87
Department of the Interior (Interior)	4/14/87
Town of Potsdam, New York	5/28/87
New York State Department of Environmental Conservation	6/5/87
Intervenor:	
Town of Potsdam, New York	4/23/87
New York State Department of Environmental Conservation	6/3/87

B. Water Quality Certification

No action was taken by the DEC within 1 year of the date of Adirondack Hydro's request for section 401 water quality certification, dated May 5, 1986; therefore, water quality certification for the Sissonville Project is considered waived. The DEC states in its letter dated June 3, 1987, pursuant to the waiver of the 401 certificate, that the outstanding water quality issues for the proposed project include the potential to flood the Town of Potsdam's Wastewater Treatment Plant and that dredge material to be removed from the project site should be tested for the presence of toxic substances. This environmental assessment (EA) addresses these two concerns of the DEC.

V. Environmental Analysis

A. Proposed Project

1. General Description of the Locale

The Sissonville Hydroelectric Project would be located on the Raquette River in St. Lawrence County, near the village of Sissonville in northern New York State. The Raquette River originates from several high elevation lakes in the Adirondack Mountains and flows north into a region of New York State commonly known as the Peripheral Adirondacks. From there, the river flows through the St. Lawrence River Valley to its confluence with the St. Lawrence River along the Canadian border (Figure 2).

The central Adirondack Mountains, south of the project site, have elevations of about 1,500 to 2,000 feet msl. The proposed project would be located at 394 feet msl. The Raquette River is used extensively for hydropower generation throughout its length, and the Sissonville Project would be one of numerous hydropower projects on the river. The Sissonville Project would be located at the site of a former hydropower facility.

2. Geology and Soils

Affected Environment: The proposed project area is located in the relatively flat, glaciated terrain of the St. Lawrence-Champlain Lowlands of northern New York State. Bedrock at the project consists of relatively flat, sandy dolostone and dolomitic sandstone (Atlantic Testing Laboratories, Ltd., 1986). Unconsolidated deposits in the proposed project area include northeast-oriented ridges of glacial till with lake deposits of clay and sand in the flat-bottomed low-land areas between ridges (Atlantic Testing Laboratories, Inc., 1986).

Environmental Impacts and Recommendations—Turbidity and Sedimentation. Removal of protective vegetation, excavation of soils, disposal of excess spoil materials, and alteration of slopes and other land-clearing and land-disturbing activities during site access and project construction would cause increased erosion and sedimentation. Raised impoundment levels during project operation would result in bank erosion, particularly on steeper sections of the reservoir shoreline. The DEC, in a letter dated June 3, 1987, recommends the following measures: (1) All sediments to be removed from the project site be analyzed for heavy metals and toxic substances; (2) the DEC be notified prior to any testing; and (3) the DEC be provided the test results and plans for toxic sediment disposal for evaluation prior to commencement of related construction activities. The applicant agrees with DEC's recommendations for analyzing the sediments for contaminants prior to construction and disposing of any contaminated sediments and other sediments in a DEC approved manner.

The applicant proposes to consult with the DEC prior to project construction to schedule the installation of cofferdams, the removal of sediments, and the alteration of streamflows. The applicant proposes to stabilize the banks of the impoundment above the new dam to minimize erosion.

In addition, the applicant outlines several mitigative measures to reduce the potential for erosion created by project construction and initial project operation. These include: (1) Using straw bales to filter the sediments; (2) discharging construction water through a sediment basin; (3) reseeding the construction staging area after completing construction; (4) leaving trees stumps and tree trunks within the cleared area to provide erosion protection during construction and during the initial stages of project operation; (5) using cofferdams to allow construction activities such as major excavations, building embankments, and completing access roads under dry ground conditions; (6) using excavated rock to provide permanent erosion protection throughout the project; (7) using straw bales, permanent vegetation, stone, and woodchips to control erosion at the new recreational site; and (8) using riprap to provide erosion protection along distrubed reservoir shoreline areas and downstream streambank areas exposed to the new project operation flow conditions (Adirondack Hydro Development Corporation, 1987).

The impacts from project-related erosion and sedimentation would be kept to minor levels by careful planning and by implementing a final erosion control plan that utilizes the above-mentioned mitigative measures. The licensee should file a final erosion control plan, for Commission approval, after consulting with appropriate

resource agencies, and prior to commencing project-related, land-distrubing activities. The erosion control plan should include the measures to reduce erosion outlined by Adirondack Hydro in the license application.

Unavoidable Adverse Impacts: Minor, short-term erosion and sedimentation would be unavoidable during project construction. Some river and reservior bank erosion would be unavoidable during early stages of project operation until the banks have stabilized to new impoundment levels and flow patterns.

3. Water Resources

Affected Environment: The Raquette River originates in the Adirondack Mountains in northern New York State and flows north through the project area to its confluence with the St. Lawrence River. The natural drainage area of the river at the project dam site is approximately 1,025 square miles. A gauging station on the Raquette River, upstream of the project site in the town of Raymondville, New York, indicates that over a 14-year period of record, the average flow of the river at Sissonville is estimated at 1,850 cfs. The average monthly flows range from a low of 1,186 cfs during August to a high of 3,795 cfs during May. Most of the precipitation in the area occurs from October through June; however, heavy precipitation is common year-round.

The DEC classifies the Raquett River in the project area as a Class B stream. Class B streams are suitable for primary contact recreation and other uses, except for drinking and food processing. Water quality data for the Raquett River, collected by the Geological Survey, indicates that the water temperature of the river varies from a low of 0 degrees Celsius (°C) in January to a high of 24°C in August. The dissolved oxygen (DO) levels within the river range from 81 to 101 percent saturation with the highest DO levels occurring in winter and spring and the lowest levels occurring during the month of August. The pH values range from 6.2 to 7.1 with no seasonal pattern noted.

Environmental Impacts and Recommendations: Turbidity and Sedimentation. Erosion from disturbed land and instream construction activities would increase the sediment levels in the Raquette River. Fine silt and clay-size particle introduced into the river would be transported downstream of the project site, and the larger particle would settle in the pools immediately downstream of the project.

Increases in turbidity and sedimentation, with subsequent negative effects on aquatic resources, are among the most significant, construction-related impacts of hydroelectric development (Rochester et al., 1984). To minimize the introduction of sediment into the water column, Adirondack Hydro proposes to implement a series of erosion control measures, including constructing the project in the dry, behind cofferdams. The licensee should consult with the U.S. Fish and Wildlife Service (FWS) and the DEC to develop a detailed erosion control plan, as discussed in Section 1, Geology and Soils.

Flooding Potential. Reconstructing the Sissonville Dam would form a 30-acre reservoir, would increase the water surface evelation to 394 feet msl, and would inundate 7.9 acres of woodland habitat (figure 4). The proposed increase in water surface elevation would not increase the probability of seasonal flooding.

The DEC states in its letter dated June 3, 1987, pursuant to the waiver of the 401 certificate, that the proposed project may increase the probability of flooding at the Town of Potsdam's Wastewater Treatment Plant, subsequently resulting in severe adverse impacts to the water quality of the Raquette River if untreated wastewater is released into the river. The Town of Potsdam's Wastewater Treatment Plant is located approximately 0.8 miles upstream of the proposed project site along the Raquette River.

The staff determines that because of the controlled nature of the Raquette River by hydroelectric projects upstream, the proposed project would not increase the potential for the river to flood the Town of Potsdam's Wastewater Treatment Plant. The NMPC owns and operates 13 hydropower facilities upstream of the proposed Sissonville Project and, as such, the flows in the Raquette River are controlled by the NMPC under FERC license. The applicant, which presently operates two hydropower facilities downstream of the proposed project, receives from NMPC a daily reading of the river flow and informs the applicant of any anticipated changes to the river flow. It takes about 12 hours for any adjusted releases from the upstream projects for the flow change to reach the Sissonville Project site. This 12-hour period would provide adequate time for the applicant to manipulate floodgates and to accommodate any changes in the river flow. This controlled aspect of the river would increase the applicant's ability to control the water levels and would not increase the potential for the river to flood the Town of Potsdam's Wastewater Treatment Plant.

Unavoidable Adverse Impacts: Construction activities would have a minor, short-term adverse impact on the water quality of the Raquette River downstream of Sissonville by increasing erosion, turbidity, and sedimentation in the project area.

4. Fishery Resources

Affected Environment: The Raquette River supports a wide variety of fish species throughout its length. The headwaters of the river in the Adirondack Mountains support several species of coldwater fish such as brown trout (*Salmo trutta*), brook trout (*Salvelinus fontinalis*), and sculpins (*Cottus* spp.). As the river flows north out of the mountains, the fish species composition changes to primarily coolwater species. The fish inhabiting the project area are classified as coolwater species. These include walleye (*Stizostedion vitreum*), smallmouth bass (*Micropterus dolomieui*), yellow perch (*Perca flavescens*), and northern pike (*Esox lucius*). Trout are occasionally found in the project area; however, their occurrence is primarily a result of being flushed downstream from the headwater streams during high flows. Trout are not stocked in the project area and they are not known to inhabit the area on a year round basis.

As the Raquette River flows north across the St. Lawrence Valley downstram of the project, it becomes slow moving, the mean water temperature increases, the river becomes more shallow, and the composition of the fish community changes to include many warmwater species. The warmwater species inhabiting the river downstream of the proposed project include largemouth bass (*Micropterus salmoides*), brown bullhead (*Ictalurus nebulosus*), pumpkinseed (*Lepomis gibbosus*), and suckers (*Catostomus* spp.), along with many of the coolwater species indicated above.

The Raquette River in the project area supports a popular recreational fishery for coolwater species, including walleye, smallmouth bass, and northern pike. The pools and rapids in the projects area provide suitable fishery habitat. Local anglers are known to fish these pools and rapids extensively.

Environmental Impacts and Recommendations—Sedimentation and Turbidity. The increased sedimentation and turbidity levels associated with construction activities could have short-term, adverse impacts on the fishery resources in the project area. Construction-related sedimentation and turbidity could reduce feeding of sight-feeding fish, disrupt spawning, and

smother aquatic fish food organisms (Rochester, et al., 1984). To reduce these effects, the licensee should develop and implement the erosion and sedimentation plan, as described in Section 1, Geology and Soils.

Project Operation. Streamflows of the Raquette River are regulated by hydroelectric dams located both upstream and downstream of the project site. The operating procedures of these hydroelectric dams fluctuate the flow in the river on a daily basis, and are particularly noticable during low-flow periods.

To reduce the potential impacts to important fishery resources, Adirondack Hydro proposes, and the FWS and the DEC recommends, that the project be operated in a run-of-river mode. By operating the project in a run-of-river mode, outflows from the project would equal the inflow to the impoundment. This run-of-river operation would not change the existing flow regime of the river and would minimize fluctuations in the elevation of the reservoir and discharges downstream of the project. Minimizing the streamflow fluctuations would reduce instances when the streambed would be dewartered and would minimize the disruptions of fish, habitat in the Raquette River caused by fluctuating water levels. Therefore, the licensee should operate the project in a run-of-river mode.

Minimum Flows in the Bypassed Reach. Operating the proposed project would bypass approximately 400 feet of the Raquette River below the dam (Figure 4). This area is inhabited by recreationally important coolwater fish such as walleye and smallmouth bass. Walleye currently spawn in the project area, including the bypassed reach.

Adirondack Hydro proposes, and the FWS and the DEC recommends, that 200 cfs be released into the bypassed reach during the spring and 100 cfs be released during the remainder of the year to protect the fishery resources in the Raquette River. The FWS recommends that the 200-cfs flow be released from March 15 to May 15 of each year, while the DEC recommends that this flow be released during the walleye spawning season. DEC defines the walleye spawning season as the period beginning with the first 4 days after ice-out in which the river temperature reaches 3°C and continuing until 30 days after the river temperature exceeds 10°C.

Reducing flows in the bypassed reach would adversely affect the populations of coolwater fish, especially the walleye, by dewatering the spawning and nursery areas contained in the bypassed reach. Maintaining a minimum flow in the bypassed reach would reduce, but would not eliminate, the impacts of the project on the populations of coolwater fish using that area. Releasing a minimum flow into the bypassed reach would provide flows over the riverbed and would maintain one component of the fishery habitat, waterflow, in the bypassed reach. Therefore, to prevent dewatering of the bypassed reach and to maintain the spawning habitat for walleye and other coolwater species, the licensee should release 200 cfs into the 400-foot-long bypassed reach of the Sissonville Project from March 15 to May 15 of each year and 100 cfs the remainder of the year. Releasing 200 cfs from March 15 to May 15, as recommended by the FWS, would encompass the walleye spawning period as defined by the DEC.

Maintaining the Fishery Habitat in the Project Area. The proposed project would reduce the suitability of the project area to support resident fish by adversely affecting the quality of the fishery habitat. The quality of the fishery habitat in any river depends on numerous physical and biological factors, including streamflow, substrate, and accessibility. Providing a minimum flow in the bypassed reach of the Sissonville Project would maintain the streamflow needed by resident fish. The project would, however, reduce the quality of fish habitat in the project area by eliminating the free upstream movement of adult and juvenile fish, except during high-flow periods, and would reduce the movement of gravel past the project dam to spawning areas located downstream of the dam.

By restricting the upstream movement of adult and juvenile fish into spawning, nursery, or feeding habitats upstream, the numerous existing dams have segmented the Raquette River and the fish populations into discrete units. Adult and juvenile fish that move downstream at high flows are presently unable to move back upstream to potential spawning, nursery, and feeding areas, and would be subjected to additional blockage with the proposed project dam. Segmenting the river may eliminate habitat needed for the long-term survival of the fish populations and may reduce the ability of some species to sustain viable populations. Constructing another dam on the Raquette River would further segment the river and the fish populations. The DEC has determined, however, that upstream fish passage facilities are not needed at this time. The DEC recommends that when fish passage facilities are needed to properly manage the Raquette River fishery, facilities should be installed by the project licensee.

Without adequate gravel recruitment from upstream sources through the existing breached dam, the gravel would be flushed downstream and may not be replaced. The bypassed reach would over time, become unsuitable for fish spawning regardless of the minimum flow release. The effects of reducing gravel recruitment may offset the benefits to the fishery habitat of providing a minimum flow. Therefore, to maintain the quality of the fishery habitat in the project area, principally in the bypassed reach, the licensee, after consulting with the DEC and the FWS, should develop a plan to enhance fish habitat by introducing appropriate-sized spawning gravel and boulders into the area below the dam during the life of the project. The plan should also include provisions to periodically monitor the area below the project dam to ensure that a suitable substrate is maintained.

Turbine Mortality. Installing a hydroelectric project on Raquette River could kill and injure resident fish species through impingement and entrainment within the project facilities. This would reduce the number of fish moving into downstream areas from upstream reaches of the Raquette River. To protect resident fish from turbine-related injury and mortality, the DEC recommends that provisions to reduce turbine mortality be designed and incorporated into the facility.

Installing a fish screen or a small mesh trash rack may be effective in reducing the numbers of fish entrained in hydroelectric facilities. However, high water velocities upstream of the project intake may result in high levels of impingement on the screen, thereby offsetting the benefits of the fish screen. In general, the lower the intake velocities, the lower the amount of impingement mortality (Bell, 1986). At similar hydropower projects in New York State, intake velocities near 2 feet per second have been found adequate in minimizing fish impingement (personal communication, Edward Miller, Biologist, New York State Department of Environmental Conservation, Albany, New York). Since low intake velocities can be effective in reducing impingement mortality, the applicant should maintain water velocities upstream of the intake at 2 feet per second or less.

To reduce the impacts of project-related injury and mortality on resident fish in the project area, the licensee should consult with the DEC and the FWS and develop a plan and a schedule to reduce fish entrainment and

impingement mortality in the project facilities. The plan should include provisions for installing a fish screen or a small mesh trash rack on the intake and maintaining water velocities directly upstream of the intake at 2 feet per second or less.

Unavoidable Adverse Impacts: The effects of project construction, such as increased turbidity, on resident fish would be unavoidable. Constructing the Sissonville Project would preclude migratory species, such as walleye, from moving upstream of the project under most operating conditions. This would reduce access for the coolwater species to the Raquette River upstream of the project and may eliminate access to potentially important spawning, rearing, and feeding areas for these species. The proposed project would reduce the recruitment of upstream gravel to spawning areas downstream of the dam. Downstream movement of aquatic organisms, such as juvenile fish, would experience higher levels of mortality as they become entrained or impinged within the project facilties.

5. Terrestrial Resources

Affected Environment: The vegetation of the project area is dominated by the birch-beech-maple forest association typical of the Peripheral Adirondack Mountains-St. Lawrence River Valley transition zone. Tree species inhabiting the project area include red maple *(Acer rubrum)*, sugar maple *(A. saccharum)*, gray birch *(Betula populafolia)*, American beech *(Fagus grandifolia)*, quaking aspen *(Populus tremuloides)*, white ash *(Fraxinus americana)*, and black cherry *(Prunus serotina)*. Wet sites in the project areas are inhabited by plant species tolerant to periodic flooding, such as speckled alder *(Almus regosa)*, American hornbeam *(Carpinus caroliniana)*, northern white cedar *(Thuja occidentalis)*, box elder *(A. negundo)*, goldenrod *(Solidago spp.)*, and asters *(Aster spp.)*. Scattered areas dominated by grasses and staghorn sumac *(Rhus typhinia)* are also present in the project area.

Wildlife species commonly found in the area include opossum *(Didelphis virginiana)*, raccoon *(Procyon lotor)*, muskrat *(Onodatra zibethicus)*, red fox *(Vulpes vulpes)*, common crow *(Corvus brachyrhynchos)*, bluejay *(Cyanocitta cristata)*, downy woodpecker *(Dendrocopos pubescens)*, black-capped chickadee *(Parus atricapillus)*, great-horned owl *(Bubo virginianus)*, and red-tailed hawk *(Bueto jamaicensis)*. Reptiles and amphibians frequenting the area include American toad *(Bufo americanus)*, bullfrog *(Rana catesbeiana)*, leopard frog *(Rana palustris)*, mink frog *(Rana septentrionalis)*, snapping turtle *(Chelydra serpentiana)*, painted turtle *(Chrysemys picta)*, water snake *(Natrix sipedon)*, and garter snake *(Thamnophis sirtalis)*.

Environmental Impacts and Recommendations: Construction activity and restoration of the project reservoir would result in the loss of approximately 7.9 acres of mixed woodland habitat (Figure 4). To mitigate for this loss, the applicant has purchased a 9-acre tract of land of similar habitat type, adjacent to the project area, and would designate this parcel of land as a preserve. The FWS states that this action would mitigate for the loss of 7.9 acres of woodland (letter from Dieter N. Busch, Acting Field Supervisor, U.S. Fish and Wildlife Service, Cortland, New York, December 11, 1986). The FWS recommends that as much vegetation as possible be left in the areas to be inundated by the reservoir to enhance aquatic habitat, and that educational information concerning the value of such inundated vegetation be posted for the general public. The applicant agrees with the FWS' recommendations.

The staff concludes that the 9 acres of woodland, purchased by the applicant that would be designated as a forest preserve for the life of the project, would adequately mitigate for the loss of 7.9 acres of woodland. Further, the staff concurs with the FWS recommendation to leave as much vegetation as possible in areas to be inundated and to post educational information on the benefits of these actions on the fish and wildlife resources of the Raquette River.

Construction activities would cause wildlife to avoid the project area. This impact would be minor and temporary.

Unavoidable Adverse Impacts: Approximately 7.9 acres of woodland would be permanently lost due to construction activity and inundation of the upstream riparian habitat. Wildlife would avoid the project area during construction.

6. Threatened and Endangered Species

The FWS states that no federally listed or proposed threatened or endangered species are present in the project impact area (letter from William Patterson, Department of the Interior, Office of Environmental Project Review, Boston, Massachusetts, April 14, 1987).

Environmental Impacts and Recommendations: Since there are no federally listed threatened or endangered species in the project area, there would be no impacts to any such species.

7. Recreational Resources

Affected Environment: No recreational facilities exist in the immediate vicinity of the proposed project site. The limiting factors for recreational access include steep river banks on both sides of the river, poor road access to the site, and private landownership in the proposed project area. Despite these limitations, the area provides opportunities for recreational angling. According to the FWS, the project vicinity is well used by the public (letter from Paul P. Hamilton, Field Supervisor, U.S. Fish and Wildlife Service, Cortland, New York, August 7, 1985). Access to the project area by the public, mostly anglers, is primarily by foot-trails. These trails are not maintained and are generally used by more ambitious anglers, as there are other accessible fishing sites downstream of the proposed project site.

Recreationally important fish species found in the project area include walleye, smallmouth bass, yellow perch, and northern pike (see Section 3).

Although some recreational boating occurs in the Raquette River, there are no launching facilities in the proposed project vicinity, nor has this river segment been identified by the resource agencies as a whitewater boating resource. The DEC reports that the 2-mile segment of the Raquette River downstream from the town of Potsdam, including the project area, is not recommended for boating by inexperienced boaters due to restricted access and difficult rapids. Obstacles hampering boating opportunities include the Hewittville Exemption (FERC Project No. 2498) and the Unionville Project (FERC Project No. 2499), which are located within 1 mile downstream of the proposed project, and the Potsdam-East Project (FERC Project No. 2869), which is about 1.5 miles upstream of the proposed project.

Despite the presence of these obstacles, some noncomercial recreational boating does take place on the Raquette River as the boaters portage around the dams and other obstacles. Commercial boating does not occur in the project area, and the river is not conducive for future commercial boating activity (personal communication, Len Olevette, Biologist, New York State Department of Environmental Conservation, Watertown, New York, December 22, 1987).

Environmental Impacts and Recommendations: The applicant proposes to construct facilities in the

project area to promote recreational activities. The recreational facilities would include: (1) A parking area for 10 cars; (2) six picnic tables; (3) a trail along the river's edge leading from the parking area to the picnic and boat launch areas; (4) an 8-foot wide road leading from the parking area to the boat launch for unloading equipment; and (5) wooden benches and trash receptacles in key locations in the recreation area. A large (4-foot x 4-foot) sign would be placed at the entrance to the recreation area to identify the licensee of the project and the availability of the area for public recreation.

The access provided by the applicant for hunting, fishing, trapping, and passive recreational activities, such as hiking and picnicking, are the primary benefits of the proposed recreational enhancements. The applicant estimates that the project would contribute approximately 3,241 recreational user days after completion of the recreational facilities. A recreational user day is defined as 12 hours of recreational use in any combination of persons or hours; for example 12 people and 1 hour of recreation, 3 people and 4 hours of recreation, etc.

The DEC, by letter dated June 3, 1987, identifies a need for the recreational enhancements proposed by the applicant. In addition, DEC requests that portage facilities be provided for boaters to portage around the dam, and that the applicant consult with the FWS and the DEC regarding the recreation plan prior to commencement of construction (letter from Murdock M. Mackenzie, Chief, Project Review Section New York State Department of Environmental Conservation, Albany, New York, June 3, 1987). The Department of the Interior, by letter dated April 14, 1987, states that the recreation plan proposed by the applicant was adequate for meeting the present recreational demands.

The staff concurs with Interior and DEC that the proposed recreational enhancements would be beneficial to the public. The staff also concurs that, in addition to the proposed recreation plan, the applicant should provide launching and portage facilities upstream and downstream of the project dam to accommodate the recreational boaters. The portage facilities should include a trail connecting the two launch areas. These facilities would allow boaters to portage around the dam and to continue downstream.

The staff concludes that the recreation plan, including the portage facilities, would enhance the overall recreational opportunities on this segment of the Raquette River.

Unavoidable Adverse Impacts: Recreational boaters and anglers in the immediate vicinity of the project would be disturbed by construction activities, such as noise and dust caused by equipment usage. Certain areas of the construction site would be temporarily restricted from use due to safety concerns. Sedimentation may also temporarily reduce fishing success in the project area.

Creating an impoundment on the Raquette River would convert rapidly flowing water used occasionally by recreational boaters into a slow-moving, flatwater impoundment. The new impoundment would displace the occasional whitewater boaters with other boating enthusiasts attracted to the flatwater boating.

8. Socioeconomic Considerations

Affected Environment: The economy of St. Lawrence County is based on the following factors: (1) Processing of aluminum into products such as wire, cable, and foundry castings; (2) processing of paper; (3) manufacturing of telephone and telegraph apparatus; (4) dairy farming and processing of milk; (5) mining of zinc and talc; (6) the presence of St. Lawrence University and the State University of New York at Potsdam; and (7) tourism.

The county's location adjacent to the St. Lawrence River, with a readily available supply of inexpensive hydroelectric energy and water transportation routes, were responsible for development of St. Lawrence County's primary metal industry. There are five large establishments in the county that manufacture primary metals. In March 1984, these five manufacturing industries employed a total of about 4,032 people. (personal communication, Gerald Foyer, Statistician, Bureau of the Census, Suitland, Maryland, June 24, 1987).

In 1982, St. Lawrence County's agricultural sector included 1,807 farms, which received $79,495,000 from the sale of agricultural products, including $67,917,000 for milk and other diary products (personal communication, Brenda Prout, Statistical Information Assistant, Bureau of the Census, Suitland, Maryland, June 24, 1987).

The population of St. Lawrence County has remained relatively constant since 1970 as a result of the outmigration of young adults. The Bureau of the Census estimates that 113,400 persons resided in the county as of July 1, 1985, compared to 112,309 persons in 1970 (personal communication, Audrey Primas, Statistical Information Assistant, Bureau of the Census, Suitland, Maryland, June 24, 1987).

Environmental Impacts and Recommendations: Onsite construction activities and project-related vehicles would produce unwanted noise, dust, and exhaust emissions and could cause minor delays for motorists in the Sissonville-Potsdam area. The project would displace a private residence and a business establishment.

During construction, an average of 25 and a peak of 50 persons would be employed at the project site. Because most of these workers would commute daily to and from the construction site from within a 50-mile radius of the site, construction activities would not induce the inmigration of families with school-age children to St. Lawrence County, and the project would not produce any discernable impacts to local government services. The money spent by construction personnel at local retail trade and service establishments would represent a beneficial, albeit short-term economic impact. Once operational, the new project facilities would generate approximately $73,000 in local property taxes each year. The staff concludes that the project's socioeconomic impacts would be predominately beneficial and mitigative measures would not be required.

Unavoidable Adverse Impacts: Project-related construction activities and vehicles would produce unwanted noise, dust, and exhaust emissions and could cause delays for motorists in the project vicinity.

9. Cultural Resources

Affected Environment: The New York State Historic Preservation Officer (SHPO) states that the Sissonville Project would have no effect upon districts, sites, buildings, structures, objects, or archeological resources included or eligible for inclusion in the National Register of Historic Places (letter from Julia Stokes, State Historic Preservation Officer, Albany, New York, October 18, 1985).

Environmental Recommendations: Changes to the project, especially changes in the proposed location and design of the project, are occasionally needed after a license has been issued and may require an applicant to amend a license. Under these circumstances, whether or not an application for amendment of license is required, the survey results and the SHPO's comments would no longer reliably depict the cultural resources impacts that would result from developing the project. Therefore, before beginning land-clearing or land-disturbing activities within the project boundaries, other that those specifically authorized

in the license and previously commented on the SHPO, the licensee should consult with the SHPO regarding the need to conduct additional archeological or historical surveys and to implement further avoidance or mitigative measures.

Also, land-clearing and land-disturbing activities could adversely affect archeological and historic properties not previously identified. Therefore, if the licensee encounters such sites or properties during the development of project works or related facilities, the licensee should stop land-clearing and land-disturbing activities in the vicinity of the sites, and should carry out any necessary measures to avoid or to mitigate effects on the properties.

Unavoidable Adverse Impacts: None.

10. Cumulative Impacts

The Council on Environmental Quality defines cumulative impacts as effects on the environment which result from the incremental impact of the action, when added to past, present, and reasonably foreseeable effects of future actions, regardless of the agency or person undertaking such action (40 CFR 1508.7). Although there are other licensed and unlicensed hydroelectric facilities operating on the Raquette River, the Sissonville Project is currently the only proposed project in the basin.

The Existing Hydropower Projects in the Raquette River Basin. Throughout its length, the Raquette River is extensively developed with hydroelectric dams and water storage reservoirs (Figure 5). The drop in elevation of the river from the Adirondack Mountains to the St. Lawrence River Valley (1,600 feet in 88 miles) and the dependable amounts of water have made the Raquette River ideal for hydropower development.

Currently, the river contains three storage reservoirs, Carry Falls Reservoir (115,000 acre-feet), Bog River Reservoir (23,000 acre-feet), and Tupper Lake (19,000-acre feet), which are all operated to regulate flows for downstream hydropower projects. The waterflows are stored during the winter and spring and are released during the summer and fall to control seasonal flooding and to facilitate hydroelectric power generation. The existing hydropower capacity of the Raquette River is approximately 170 MW.

The Raquette River Basin contains 18 hydropower dams, all of which are located on the mainstem river (Figure 5). These include six licensed hydropower projects, one unlicensed project, and one exempted project. From the St. Lawrence River upstream, these projects include: The Raquette River Project (FERC Project No. 2330) consisting of four dams (Raymondville, Norfolk, East Norfolk, and Norwood); the unlicensed Yaleville Project (FERC Project No. 9222) which is currently under a preliminary permit; the Unionville Project (FERC Project No. 2499); the Hewittville Exemption (FERC 2869); the Raquette River Projects (FERC Project No. 2320) consisting of four dams (Sugar Island, Hannawa, Colton, and Higley); the Raquette River Projects (FERC Project No. 2084) consisting of five dams (South Colton, Five Falls, Rainbow Falls, Blake Falls, and Stark Falls); and the Piercefield Development (FERC Project No. 7387). The Sissonville Project would be located between the Hewittville and the Potsdam-East Project.

Cumulative Environmental Impacts. As a result of the numerous hydropower developments, the character of the Raquette River has been changed from a free-flowing river to one consisting of a series of pools and reservoirs with short stretches of free-flowing river between the dams. Developing the river for hydropower has adversely affected the fishery habitat and the potential for recreational boating in much of the river.

Constructing and operating the Sissonville Project has the potential to contribute to cumulative adverse impacts by: (1) Reducing the amount of free-flowing river habitat available for recreational boating within the basin; (2) changing fish habitat from free-flowing river conditions to a flatwater impoundment; (3) increasing fish mortality through entrainment and impingement; (4) reducing upsteam movements of resident fish within the river; and (5) inundating riparian woodland habitat.

The potential cumulative adverse impacts to the fishery resources, terrestrial resources, and recreational boating in the Raquette River Basin would be minimized by implementing the mitigative measures proposed by the applicant and by the staff. These mitigative measures include operating the project in a run-of-river mode, maintaining a minimum flow release, installing fish screens on the project intake, maintaining the fishery habitat within the project area through gravel recruitment, and establishing a 9-acre tract of woodland as a forest preserve to offset the loss of 7.9 acres of riprarian habitat.

Operating the project in a run-of-river mode and providing a minimum flow through the bypassed reach below the project dam would allow aquatic resources depending on free-flowing conditions to maintain levels similar to preproject conditions. Creating a 30-acre reservoir above the dam would convert a 1.5-mile section of a free-flowing river into a flatwater impoundment, would replace fastwater recreational boating activities with flatwater boating opportunities, and would change fish habitat and fish species from those adapted to a free-flowing river environment to those adapted to an impoundment environment. The proposed project would also cause additional segmentation of the fish populations of the Raquette River by preventing upstream movement of fish. The loss of upstream movement of fish would not cause significant cumulative adverse impacts to the fishery resources of the Raquette River because fish populations would be maintained at similar levels above and below the project site by continued recruitment of fish from upstream areas.

B. No-Action Alternative

Selecting the no-action alternative would not cause any changes to the existing physical or biological components of the Raquette River basin. It would, however, preclude the opportunity to use the renewable water power resource of this section of the Raquette River.

C. Recommended Alternative

The benefits of developing the project and of using the renewable water power resources available at the project site could be realized with only minor impacts to the quality of the human environment. If properly mitigated, developing the project would result in minor impacts to the environmental resources of the project area. Therefore, the staff recommends that the Adirondack Hydro Development Corporation's Sissonville Project be licensed.

VI. Finding of No Significant Impact

Construction activities would cause temporary, localized increases in erosion, sedimentation, and stream turbidity. These conditions would have a minor, adverse impact on the water quality and fishery resources of the Raquette River. Project construction would cause the permanent inundation of approximately 7.9 acres of riparian habitat and would cause permanent loss of this area and the avoidance of the area by wildlife. During project construction, there would be a short-term, adverse impact to recreational anglers utilizing the project area. Constructing the project would preclude the resident fish from freely moving upstream of the project under most operating conditions. The movement of

gravel substrate from areas upstream of the dam to downstream areas would be eliminated under most operating conditions. Downstream moving organisms, particularly juvenile fish, would be subjected to increased levels of mortality from entrainment or impingement caused by the project. A 1.5-mile segment of the Raquette River would be converted from rapidly flowing water to a flatwater impoundment.

Implementing the mitigative measures proposed by the applicant and the Commission staff would ensure that the environmental impacts associated with project construction and operation would not be significant and would not cause significant cumulative adverse impacts.

The staff prepared this EA for the Sissonville Project in accordance with the National Environmental Policy Act of 1969. On the basis of the record and of the staff's independent analysis, issuance of a license for this project would not constitute a major federal action significantly affecting the quality of the human environment.

VII. Literature Cited

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VIII. List of Preparers

Mark Bagdovitz—Coordinator; Fishery Resources, Water Resources, Cumulative Impacts (Ecologist; M.S., Fishery Biology).

Jim Haimes—Socioeconomic Considerations (Economist, M.S. Economics).

James Keaney—Terrestrial Resources and Threatened and Endangered Species (Wildlife Biologist, M.S., Wildlife Biology).

Peter Leitzke—Geology and Soils (Geologist; M.A. Geological Sciences).

Leonard Podell—Purpose, Economic Analysis, Flooding Potential (Civil Engineer; Ph.D., Civil Engineering).

Brian Romanek—Recreational Resources (Outdoor Recreation Planner; B.S. Recreation Resource Management and Planning).

Edwin Slatter—Cultural Resources (Archeologist; Ph.D., Anthropology).

Mary Nowak—Editor (B.S., English).

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[Docket No. G-13964-000 et al.]

ARCO Oil and Gas Co., Division of Atlantic Richfield Company et al., Applications for Abandonment of Service and to Amend Certificates [1]

May 18, 1988.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to abandon service or to amend certificates as described herein, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 2, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Description
G-13964-000, D, May 2, 1988	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, TX 75221.	El Paso Natural Gas Company, Boundary-Butte Area, San Juan County, Utah.	(2)
CI62-1251-012, D, May 2, 1988	Sun Exploration and Production Company, P.O. Box 2880, Dallas, TX 75221-2880.	Arkla Energy Resources, a division of Arkla, Inc. Red Oak, *et al.* Fields, Latimer, *et al.* Counties, Oklahoma.	(3)
CI63-1424-000, D, April 29, 1988	Tenneco Oil Company, P.O. Box 2511, Houston, TX 77252.	Panhandle Eastern Pipe Line Company, Putnam Field, Dewey County, Oklahoma.	(3)
CI64-159-000, D, April 29, 1988	do	do	(4)
		N.E. Trail Field, Dewey County, Oklahoma	
CI66-470-012, D, May 2, 1988	Sun Exploration and Production Company	Arkla Energy Resources, a division of Arkla, Inc., Pine Hollow Field, Pittsburg County, Oklahoma.	(5)
CI69-935-000, D, April 29, 1988	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Transwestern Pipeline Company, Rock Tank Field, Eddy County, New Mexico.	(1)
CI71-405-001, D, May 3, 1988	Texaco Producing Inc., P.O. Box 52332, Houston, TX 77052.	El Paso Natural Gas Company, Toro (Ellenburger) Field, Reeves County, Texas.	(6)
CI79-398-001, D, April 29, 1988	Multistate Oil Properties, N.V., P.O. Box 2511, Houston, TX 77001.	Panhandle Eastern Pipe Line Company, Salon S.E. Field, Ellis and Woodward Counties, Oklahoma.	(7)
CI81-60-001, D, April 22, 1988	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Lone Star Gas Company, a Division of ENSERCH Corporation, Dexter Area, Cooke County, Texas.	(1)

Docket No. and date filed	Applicant	Purchaser and location	Description
CI88-430-000, F, April 21, 1988	Amoco Production Company, 1670 Broadway, Room 1754, Denver, CO 80202.	Northwest Pipeline Corporation, Basin Dakota Field, San Juan County, New Mexico.	(5)
CI88-432-000, (CI64-516), B, April 29, 1988.	Tenneco Oil Company	Panhandle Eastern Pipe Line Company, N.E. Trail Field, Dewey County, Oklahoma.	(12)
CI88-433-000, (CI79-380), B, April 29, 1988.	Multistate Oil Properties, N.V.	Natural Gas Pipeline Company of America, Hansford Field, Hansford County, Texas.	(9)
CI88-437-000 (CI65-704), B, May 2, 1988.	Texaco Producing Inc.	ANR Pipeline Company, Kings Bayou Field, Cameron Parish, Louisiana.	(11)

[1] Effective 1-1-87, ARCO assigned its interest in certain acreage to Hondo Oil and Gas Company.
[2] Effective 3-1-88, Sun assigned its interest in Property No. 414040, Beshers Unit, to Eberly and Meade, Inc.
[3] A.L. Stephenson #1 well was plugged and abandoned and the leases were surrendered.
[4] The A.L. Stephenson #1 well was plugged and abandoned. Effective 1-1-87, Tenneco Oil Company assigned certain acreage to Unit Corporation, and effective 4-1-86, Tenneco Oil Company assigned certain other acreage to Anadarko Production Company, *et al.*
[5] Effective 3-1-88, Sun assigned its interest in Property No. 818423, Compelube Unit, to Texaco Producing Inc.
[6] Effective 10-1-87, TPI assigned to Helmerich and Payne, Inc., its rights to the SW/4 and NW/4 of Section 32, Block 50, T-7, T&P RR Co. Survey, Helmerich #1 Campbell State Gas Unit, Reeves County, Texas.
[7] Effective 12-1-86, Tenneco Oil Company and Multistate Oil Properties, Inc., assigned certain acreage to Bell & Kinley Company.
[8] Effective 3-1-86, Atlantic Richfield Company assigned to Amoco certain acreage lying in San Juan County, New Mexico.
[9] Effective 9-1-87, Tenneco Oil Company assigned certain acreage to Vital Oil Company.
[10] Not used.
[11] Effective 6-1-87, TPI assigned certain acreage to Shell Western E&P Inc.
[12] The A.L. Stephenson #1 well was plugged and abandoned. Effective 1-1-87, Tenneco Oil Company assigned certain acreage to Unit Corporation.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 88-11396 Filed 5-19-88; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 8713-004]

Kittitas Reclamation District; Surrender of Preliminary Permit

May 18, 1988.

Take notice that Kittitas Reclamation District, permittee for the proposed Kachess Dam Project, has requested that its preliminary permit be terminated. The permit was issued on January 16, 1986, and would have expired on December 31, 1988. The project would have been located on the Kachess River, near the towns of Easton and Cle Elum, in Kittitas County, Washington.

The permittee filed the request on April 19, 1988, and the preliminary permit for Project No. 8713 shall remain in effect through the thirtieth day after issuance of this notice unless that day is Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-11397 Filed 5-19-88; 8:45 am]
BILLING CODE 6717-01-M

[Project No.5330-001]

City of Santa Clara, CA; Surrender of Preliminary Permit

May 18, 1988.

Take notice that the city of Santa Clara, California, permittee for the proposed East Fork Trinity Project, has requested that its preliminary permit be terminated. The permit was issued on February 24, 1987, and would have expired on January 31, 1990. The project would have been located on the East Fork Trinity River, near Redding, in Trinity County, California.

The permittee filed the request on October 8, 1987, and the preliminary permit for Project No. 5330 shall remain in effect through the thirtieth day after issuance of this notice unless that day is Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell

Acting Secretary.

[FR Doc. 88-11398 Filed 5-19-88; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 1490-003]

Brazos River Authority; Issuance of Annual License

May 18, 1988.

On May 13, 1985, the Brazos River Authority, licensee for the Morris Sheppard Dam Project No. 1490, filed an application for a new license pursuant to the Federal Power Act and the Commission's regulations thereunder. Project No. 1490 is located on the Brazos River in Palo Pinto County, Texas.

The license for Project No. 1490 was issued for a period ending May 24, 1988. In order to authorize the continued operation and maintenance of the project pending Commission action on the licensee's application, an annual license must be issued to the Brazos River Authority pursuant to Section 15(a) of the Federal Power Act, 16 U.S.C. 808(a).

Take notice that an annual license is issued to the Brazos River Authority for a period effective May 25, 1988, to May 24, 1989, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 1490, subject to the terms and conditions of the original license.

Take further notice that if issuance of a new license does not take place on or before May 24, 1989, an annual license will be issued each year thereafter, effective May 25 of each year, until such time as a new license is issued, without further notice being given by the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-11399 Filed 5-19-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER88-266-000]

Niagara Mohawk Power Corp.

May 16, 1988.

Take notice that on April 21, 1988, Niagara Mohawk Power Corporation (Mohawk) tendered for filing a modification to the agreement between Atlantic City Electric Co. (ACE) and Mohawk that was originally filed on February 18, 1988.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 23, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-11345 Filed 5-19-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-166-000]

Raton Gas Transmission Co.

May 16, 1988.

Take notice that on May 3, 1988, Raton Gas Transmission Company (Raton) filed a letter stating that it is not making a PGA filing under Order No. 483 to be effective June 1, 1988.

Raton points out that § 154.308(b) provides for exception to rate filing if the adjustment to rates is under 1 mill per MMBtu of jurisdictional sales and that its current rate adjustment would be 0.1 mill due to GRI reduction in Colorado Interstate Gas Company (CIG) rate effective January 1, 1988.

Raton states that its current Surcharge Adjustment is effective through September 30, 1988 and therefore cannot be changed under the Regulations at this time.

Raton states that it has only one supplier, CIG and that CIG advised Raton that change rates in three pending dockets is expected to be finalized in late June or July, 1988. At that time Raton will make the required PGA rate change.

Raton believes it is correct in its interpretation of the regulations governing this matter. However, if Raton is not correct in its interpretation, Raton requests a waiver thereof to prevent unnecessary and inconsequential filings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1987)). All such motions or protests should be filed on or before May 23, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-11342 Filed 5-19-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-145-001]

Texas Gas Pipe Line Corp.; Filing

May 16, 1988.

Take notice that on May 9, 1988, Texas Gas Pipe Line Corporation (TGPL) tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1, to be effective June 1, 1988:

Third Revised Sheet No. 19
First Revised Sheet No. 21a
Fourth Revised Sheet No. 22

TGPL states that Third Revised Sheet No. 19 was submitted correcting the numbering of First Revised Sheet No. 19, that First Revised Sheet No. 21a was submitted correcting a typographical error discovered on Original Sheet No. 21a, and that Fourth Revised Sheet No. 22 was submitted to delete the section referencing "Incremental Pricing Surcharge" contained in Third Revised Sheet No. 22. TGPL points out that these tariff sheets were filed as part of its Purchased Gas Adjustment filing by letter dated April 29, 1988, and that these corrections do not constitute any substantive change in the prior submission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1987)). All such motions or protests should be filed on or before May 23, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-11343 Filed 5-19-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-150-001]

Transwestern Pipeline Co.; Filing

May 16, 1988.

Take notice that on May 9, 1988, Transwestern Pipeline Company (Transwestern) tendered for filing the following tariff sheets as part of its FERC Gas Tariff, Second Revised Volume No. 1:

Substitute 6th Revised Sheet No. 73
Substitute 1st Revised Sheet No. 75A
Substitute 7th Revised Sheet No. 76
Substitute 3rd Revised Sheet No. 76A
Substitute 3rd Revised Sheet No. 76B

Transwestern states that on April 29, 1988, it submitted its first annual Purchased Gas Cost Adjustment filing to be effective July 1, 1988 and a new Purchased Gas Adjustment Clause to be effective June 1, 1988. Transwestern states that after communicating with the Commission Staff, Transwestern made revisions to the tariff sheets listed above.

Transwestern states that copies of the revised tariff sheets have been mailed to all interested parties and state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1987)). All such motions or protests should be filed on or before May 23, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-11344 Filed 5-19-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3383-2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382–5075 or (202) 382–5074.

Availability of Environmental Impact Statements, Filed May 9, 1988 Through May 13, 1988, Pursuant to 40 CFR 1506.9.

EIS No. 880149, Draft, NPS, AK, Noatak National Preserve, Wilderness Recommendation, Designation or Nondesignation, AK, Due: August 29, 1988, Contact: Linda Nebel (907) 257–2654.

EIS No. 880150, Draft, NPS, AK, Glacier Bay National Park and Preserve, Wilderness Recommendations, Designation or Nondesignation, AK, Due: August 29, 1988, Contact: Lind Nebel (907) 257–2654.

EIS No. 880151, Final, BLM, CA, Eastern San Diego County Planning Unit, Section 202 WSAs', Wilderness Recommendations, Designation or Nondesignation, San Ysidro Mountain, Sawtooth Mountains A, Sawtooth Mountains C and Table Mountain, WSAs, El Centro Resource Area, California Desert District, San Diego County, CA, Due: June 20, 1988, Contact: Gerry Hillier (714) 351–6386.

EIS No. 880152, Draft, USA, PRO, NAT, Nationwide Biological Defense Research Program Continuation, Implementation, Due: August 12, 1988, Contact: Charles Dasey (301) 663–2732.

EIS No. 880153, DSuppl, UMT, CA, Los Angeles Rail Rapid Transit Project, Sunset Boulevard Alternate Alignment, Updated Project Cost, Impacts on MacArthur Park, Vermont Avenue/Sunset Boulevard Station Location and Cumulative Impacts of the Hollywood Bowl Connector, Funding, Los Angeles, County, CA, Contact: Carmen C. Clark (415) 974–7317.

EIS No. 880154, Final, USN, AK, Southeast Alaska Acoustic Measurement Facility (SEAFAC) Construction, Establishment and 404 Permit, Behm Canal, Back Island, Ketchikan Gateway Borough, AK, Due: June 20, 1988, Contact: Jeff Thielen (206) 476–5775.

EIS No. 880155, Draft, NPS, AK, Aniakchak National Monument and Preserve, Wilderness Recommendations, Designation or Nondesignation, AK, Due: August 29, 1988, Contact: Linda Nebel (907) 257–2654.

EIS No. 880156, Draft, FRC, OH, WV, PA, Upper Ohio River Basin Hydroelectric Development, Construction, Operation and Maintenance, Licenses, Belmont, Gallia, Jefferson, Mohoning and Washington Cos., OH; Hancock Co., WV and Butler, Beaver, Allegheny, Armstrong, Fayette, Washington and Westmoreland Cos, PA, Contact: George Taylor (202) 376–4454.

Dated: May 17, 1988.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 88–11417 Filed 5–19–88; 8:45 am]

BILLING CODE 6560–50–M

[ER-FRL-3383-3]

Environmental Impact Statements and Regulations; Avaliability of EPA Comments

Availability of EPA comments prepared May 2, 1988 through May 6, 1988 pursuant to the Environmental Review Process (ERP), under section 309 of the Clear Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5074.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 22, 1988 (53 FR 13318).

Draft EISs

ERP No. D–AFS–L65116–00, Rating EC2, Rogue River National Forest, Land and Resource Management Plan, Implementation, Jackson, Klamath, Josephine and Douglas Counties, CA and Siskiyou County, OR.

Summary: EPA's concern with this document is the level of detail and commitment for water quality and fisheries monitoring is not commensurate with the sensitivity of the resources.

ERP No. D–AFS–L65119–WA, Rating EC2, Mount Baker-Snoqualmie National Forest, Land and Resource Management Plan, Implementation, King, Pierce, Skagit, Snohomish and Whatcom Counties, WA.

Summary: EPA's main concern is that the level of detail and commitment for water quality and fishery habitat monitoring is not commensurate with the sensitivity of the resource. The final EIS should include additional information on existing environmental conditions, especially water quality.

ERP No. D–COE–K61093–NV, Rating EO2, Galena Resort Construction and Operation, Section 404 Permit and Special Use Permit, Toiabe National Forest, Washoe County, NV.

Summary: EPA expressed environmental objections because the project fails to comply with the section 404(b)(1) Guidelines of the Clean Water Act, which regulates the discharge of dredged or fill material into waters of the U.S.: (1) The draft EIS did not fully analyze alternatives to avoid adverse impacts to wetlands; (2) proposed mitigation does not adequately offset wetlands loss; and (3) the wetlands loss would be a significant degradation of the aquatic ecosystem. EPA requested additional information on groundwater, surface water, air quality impacts and monitoring. EPA DRR asked that the Army Corps prepare a supplemental draft EIS.

ERP No. D–FRC–B03003–00, Rating EO2, Ocean State Power Project, Natural Gas Fired Combined-Cycle Power Plant and Pipeline Construction and Operation, Licenses and Section 10 and 404 Permits, Providence County, RI; Erie, Livingston, Onondaga, Niagara, Rensselaer and Wyoming Counties, NY and Hampden and Worcester Counties, MA.

Summary: EPA concludes that this project could cause substantial water quality, wetlands, and noise impacts and that the alternatives analysis is seriously flawed. EPA recommends the selection of the environmentally preferable site at "Ironstone"; use of dry cooling technology; routing of pipelines around critical wetlands; and stringent noise mitigation measures. (NOTE: The above summary should have appeared in the 5–13–88 FR Notice.)

Final EISs

ERP No. F–AFS–K65108–CA, Los Padres National Forest, Land and Resource Management Plan, Implementation, Monterey, San Luis Obispo, Santa Barbara, Ventura and Los Angeles Counties, CA.

Summary: EPA has no objections to the project as proposed and suggests that U.S. Forest Service coordinate nonpoint source water pollution planning with the State and that several measures to protect air and water quality be included for future mining activities on the forest.

ERP No. F–COE–C36060–NY, Cazenovia Creek Flood Damage Reduction Plan, Implementation, Town of West Seneca, Erie County, NY.

Summary: EPA's concerns regarding potential impacts to downstream biota as a result of operation of the sluice gate and ice retention structure have been addressed. Accordingly, we have no

objections to the implementation of the project as proposed.

ERP No. FS–COE–K32038–CA, Oakland Outer and Inner Harbor, Deep Draft Navigation Improvements, Alcatraz Dredged Material Disposal Site, Changed Conditions, Implementation, Alameda County CA.

Summary: EPA's review indicated that overall environmental risks were reduced by several key agreements, including: (1) Restricting the dredging to the initial phase only (approximately 500,000 cubic yards.) Before additional dredging can proceed, the Army Corps will prepare a supplemental EIS. (2) Disposal of acceptable sediments at an ocean disposal site. Contaminated sediments would not be disposed of in either San Francisco Bay or the Pacific Ocean.

Amended Notice

ERP No. D–FHW–G40122–LA, Rating LO, Old Metairie Railroad Project, Railroad and Traffic Flow Conflicts Alleviation, Orleans Parish and Jefferson Parish Line to the Airline Highway and Causeway Boulevard Intersection, Funding, Jefferson County, LA.

Summary: EPA has no objections to the long siding removal with certain other of the alternatives proposed to relieve the railroad traffic flow conflicts and noise problems associated with the operations of the New Orleans Terminal Company Railroad in the Old Metairie area. Correction in summary—Published FR 05–13–88.

Dated: May 17, 1988.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 88–11418 Filed 5–19–88; 8:45 am]

BILLING CODE 6560–50–M

[OPP–00261; FRL–3382–8]

State-FIFRA Issues Research and Evaluation Group (SFIREG) Working Committees; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 2-day meeting of the Working Committee on Enforcement and Certification of the State-FIFRA Issues Research and Evaluation Group (SFIREG) and a 2-day meeting of the SFIREG Working Committee on Registration and Classification to discuss various aspects of pesticides. The meetings will be open to the public.

DATE: The Working Committee on Enforcement and Certification will meet on Tuesday and Wednesday, June 7 and 8, 1988, and the Working Committee on Registration and Classification will meet on Thursday and Friday, June 9 and 10, 1988. The meetings of both committees will start at 8:30 a.m. each day.

ADDRESS: The meetings will be held at: Radisson Plaza Hotel Orlando, 60 South Ivanhoe Boulevard, Orlando, FL 32804, (305)–425–4455.

FOR FURTHER INFORMATION CONTACT:

By mail: Philip H. Gray, Jr., Office of Pesticide Programs (TS–766C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office Location and telephone number: Rm. 1115, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703)–557–7096.

SUPPLEMENTARY INFORMATION: The meeting of the Working Committee on Enforcement and Certification will be concerned with the following topics:

1. Status reports on and discussion of the following: revision of Part 171 regulations on certification and training; Public/Private Sector initiative; enforcement of special projects; endangered species; groundwater protection; uniform reporting of enforcement actions; compliance strategy evaluation project; regulation on sale of Restricted Use Pesticides to uncertified applicators; training programs/projects completed or currently under way; and the joint EPA-USDA Private Applicator Training Review.

2. Enforcement strategies as they relate to the following: Chlordane, dicofol, dinoseb, diazinon, chlordimeform, aldicarb, and chemigation.

3. Problem of grocery stores that have pesticide analyses run by private laboratories on agricultural produce.

4. Other topics as appropriate.

The meeting of the Working Committee on Registration and Classification will be concerned with the following topics:

1. Status reports on and discussion of the following: Termiticide labeling; Label Utility Project; availability of final printed labeling; unenforceable label language; Statements of Practical Treatment; irradiation of food products; chemigation labeling; endandered species; hydrogen cyanamide registrations; sulfites use on grapes; restriction of chlorine products; impact of recent court decisions on state programs; expansion of crop groupings; and impact of ground water protection strategy on pesticide labeling.

2. EPA's response to NAS Report: Regulating Pesticides in Food.

3. Minor crop uses—impact of the reregistration requirements.

4. Other topics as appropriate.

Dated: May 3, 1988.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 88–11340 Filed 5–19–88; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59238B, 59241C, 59242B; FRL–3382–9

Certain Chemicals; Approval of Modifications to Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of modifications of the test marketing periods for three test marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA designated these applications as TME–87–7, TME–87–12 and TME–87–14, respectively. The test marketing conditions are described below.

EFFECTIVE DATE: May 11, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Wright, III, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M. St. SW., Washington, DC 20460, (202–382–7800).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves the modifications of the test marketing periods for TME–87–7, TME–87–12, and TME–87–14. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications and modification requests,

and for the modified time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the original Notices of Approval of Test Marketing Application must be met.

T-87-7

Date of Receipt: January 16, 1987.
Notice of Approval: March 30, 1987 (52 FR 10135).
Modified Test Marketing Period: 12 Months.
Commencing On: Date of manufacture.

T-87-12

Date of Receipt: March 16, 1987.
Notice of Approval: May 8, 1987 (53 FR 17464).
Modified Test Marketing Period: 6 months.
Commencing On: Expiration of original test marketing period.

T-87-14

Date of Receipt: April 14, 1987.
Notice of Approval: June 5, 1987 (52 FR 21367).
Modified Test Marketing Period: 6 months.
Commencing On: Expiration of original test marketing period.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Date: May 11, 1988.

Charles L. Elkins,
Director, Office of Toxic Substances.

[FR Doc. 88-11339 Filed 5-19-88; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. CL-88-110]

Common Carrier Public Mobile Services Information; Listing of Cellular Rural Service Areas With Component Parts

May 19, 1988.

In accordance with the Further Order on Reconsideration in CC Docket No. 85-388 (RM 5167) (FCC 88-156, Released May 18, 1988) the attached list of 428 Cellular Rural Service Areas (RSAs) is being released to the public and will be published in the **Federal Register**.

Applications for individual RSAs will, not be accepted in numerical order as were MSA applications. Since the RSAs are relatively similar in terms of population, and recognizing that each RSA has its unique needs, the Commission divided the country into five geographic blocks with each block containing a like number of RSAs. The Commission further determined that the only equitable method of determining the order in which applications would be accepted would be through some form of random selection. A lottery was, therefore, held to determine the order in which applications would be accepted for each block of RSAs. As a result of that lottery the following order was determined:

1. Block 2

Alaska	Nevada
Arizona	New Mexico
California	Oregon
Colorado	Utah
Hawaii	Washington
Idaho	Wyoming
Montana	

2. Block 5

Illinois	Nebraska
Indiana	North Dakota
Iowa	South Dakota
Minnesota	Wisconsin

3. Block 3

Arkansas	Missouri
Kansas	Oklahoma
Louisiana	Texas

4. Block 1

Alabama	North Carolina
American Samoa	Northern Marianas
Florida	Puerto Rico
Georgia	South Carolina
Guam	Tennessee
Mississippi	Virgin Islands

5. Block 4

Connecticut	New Jersey
Delaware	New York
Kentucky	Ohio
Maine	Pennsylvania
Maryland	Rhode Island
Massachusetts	Vermont
Michigan	Virginia
New Hampshire	West Virginia

By subsequent public notices, filing windows for each RSA block will be announced. Within each block RSAs there will be multiple windows with applications for all RSAs within one or more states being filed in each window.

Questions regarding this public notice should be addressed to Andrew Nachby at (202) 632-6450 or Steve Markendorff at (202) 653-5560.

CL-88-110—List of Cellular Rural Service Areas With Component Parts

ALABAMA

307. Alabama 1—Franklin	
Franklin	Morgan
Marion	Lawrence
Winston	Blount
Cullman	
308. Alabama 2—Jackson	De Kalb
Jackson	Cherokee
309. Alabama 3—Lamar	Greene
Lamar	Choctaw
Fayette	Hale
Pickens	Marengo
Sumter	
310. Alabama 4—Bibb	Wilcox
Bibb	Lowndes
Perry	Chilton
Dallas	
311. Alabama 5—Cleburne	Randolph
Cleburne	Coosa
Talladega	Tallapoosa
Clay	Chambers
312. Alabama 6—Washington	Monore
Washington	Conecuh
Clarke	Escambia
313. Alabama 7—Butler	Pike
Butler	Coffee
Covington	Geneva
Crenshaw	
314. Alabama 8—Lee	Bullock
Lee	Barbour
Macon	Henry

ALAKSA

315. Alaska 1—Wade Hampton	North Slope
Wade Hampton	Yukon-Koyukuk
Nome	Fairbanks N. Star
Kobuk	Southeast Fairbanks
316. Alaska 2—Bethel	Kenai Peninsula Borough
Bethel	Matanuska-Susitna Borough
Dillingham	Valdez-Cordova
Bristol Bay Borough	Aleutian Islands
Kodiak Island Borough	
317. Alaska 3—Haines	Sitka Borough
Haines Borough	Skagway-Yakutat-Angoon
Juneau Borough	Prince of Wales-Outer Ketchikan
Wrangell-Petersburg	
Ketchikan-Gateway Borough	

ARIZONA

318. Arizona 1—Mohave	
Mohave	
319. Arizona 2—Coconino	Coconino
	Yavapai
320. Arizona 3—Navajo	Apache
Navajo	
321. Arizona 4—Yuma	
Yuma	
322. Arizona 5—Gila	Pinal
Gila	
323. Arizona 6—Graham	Santa Cruz
Graham	Cochise
Greenlee	

ARKANSAS

324. Arkansas 1—Madison	Carrol
	Boone
Madison	Newton

325. Arkansas 2—Marion	Izard
Marion	Stone
Baxter	Searcy
Fulton	
326. Arkansas 3—Sharp	Lawrence
Sharp	Independence
Randolph	Jackson
327. Arkansas 4—Clay	Craighead
Clay	Poinsett
Greene	Mississippi
328. Arkansas 5—Cross	Monroe
Cross	Phillips
St. Francis	Arkansas
Lee	
329. Arkansas 6—Cleburne	White
Cleburne	Woodruff
	Prairie
330. Arkansas 7—Pope	Perry
Pope	Conway
Yell	Van Buren
331. Arkansas 8—Franklin	Johnson
Franklin	Logan
	Scott
332. Arkansas 9—Polk	Pike
Polk	Howard
Montgomery	Sevier
333. Arkansas 10—Garland	Clark
Garland	Dallas
Hot Spring	Grant
334. Arkansas 11—Hempstead	Lafayette
Hempstead	Nevada
	Columbia
335. Arkansas 12—Ouchita	Cleveland
Ouchita	Lincoln
Calhoun	Drew
Bradley	Ashley
Union	Desha
	Chicot

CALIFORNIA

336. California 1—Del Norte	Siskiyou
Del Norte	Humboldt
	Trinity
337. California 2—Modoc	Lassen
Modoc	Plumas
338. California 3—Alpine	Calaveras
Alpine	Tuolumne
Amador	Mariposa
339. California 4—Madera	Merced
Madera	San Benito
340. California 5—San Luis Obispo	San Luis Obispo
341. California 6—Mono	Inyo
Mono	
342. California 7—Imperial	Imperial
343. California 8—Tehama	Glenn
Tehama	Colusa
344. California 9—Mendocino	Mendocino
	Lake
345. California 10—Sierra	Nevada
Sierra	
346. California 11—El Dorado	EL Dorado
347. California 12—Kings	
Kings	

COLORADO

348. Colorado 1—Moffat	Routt
Moffat	Jackson
Rio Blanco	Grand
349. Colorado 2—Logan	Morgan
Logan	Washington
Sedgwick	Yuma
Phillips	
350. Colorado 3—Garfield	Pitkin
	Gunnison
Garfield	Delta
Eagle	Mesa
Summit	Montrose
Clear Creek	
351. Colorado 4—Park	Chaffee
Park	Fremont
Lake	Custer
352. Colorado 5—Elbert	Kit Carson
Elbert	Cheyenne
Lincoln	
353. Colorado 6—San Miguel	San Juan
	Hinsdale
San Miguel	Montezuma
ouray	La Plata
Dolores	
354. Colorado 7—Saguache	Rio Grande
	Alamosa
Saguache	Conejos
Mineral	Archuleta
355. Colorado 8—Kiowa	Otero
Kiowa	Bent
Crowley	Prowers
356. Colorado 9—Costilla	Las Animas
Costilla	Baca
Huerfano	

CONNECTICUT

357. Connecticut 1—Litchfield	Litchfield
358. Connecticut 2—Windham	Windham

DELAWARE

359. Delaware 1—Kent	Sussex
Kent	

FLORIDA

360. Florida 1—Collier	Hendry
Collier	
361. Florida 2—Glades	Okeechobee
Glades	Indian River
Highlands	
362. Florida 3—Hardee	De Soto
Hardee	Charlotte
363. Florida 4—Citrus	Lake
Citrus	Sumter
Hernando	
364. Florida 5—Putnam	Flagler
Putnam	
365. Florida 6—Dixie	Levy
Dixie	Gilchrist
366. Florida 7—Hamilton	Columbia
Hamilton	Union
Suwannee	
367. Florida 8—Jefferson	Taylor
Jefferson	Lafayette
Madison	
368. Florida 9—Calhoun	Liberty
Calhoun	Franklin
Gulf	
369. Florida 10—Walton	Jackson
Walton	Washington
Holmes	
370. Florida 11—Monroe	
Monroe	

GEORGIA

371. Georgia 1—Whitfield	Pickens
	Gilmer
Whitfield	Fannin
Murray	Union
Gordon	Towns
372. Georgia 2—Dawson	Banks
Dawson	Franklin
Lumpkin	Stephens
White	Rabun
Habersham	Barrow
Hall	
373. Georgia 3—Chattooga	Floyd
	Polk
Chattooga	Bartow
374. Georgia 4—Jasper	Taliaferro
Jasper	Wilkes
Putnam	Lincoln
Morgan	Elbert
Greene	Hart
Ogelthorpe	
375. Georgia 5—Haraison	Heard
Haralson	Troup
Carroll	Coweta
376. Georgia 6—Spalding	Monroe
Spalding	Crawford
Lamar	Taylor
Upson	Talbot
Pike	Harris
Meriwather	
377. Georgia 7—Hancock	Laurens
Hancock	Washington
Baldwin	Johnson
Wilkinson	
378. Georgia 8—Warren	Bullock
Warren	Screven
Glascock	Jenkins
Jefferson	Burke
Emanuel	Treutlen
Candler	
379. Georgia 9—Marion	Webster
Marion	Terrell
Schley	Randolph
Macon	Clay
Dooly	Quitman
Crisp	Stewart
Sumter	

380. Georgia 10—Bleckley
Bleckley
Pulaski
Dodge
Wilcox
Telfair
Ben Hill
Turner
Irwin
Coffee
Jeff Davis
Wheeler
Montgomery

381. Georgia 11—Toombs
Toombs
Tattnall
Evans
Appling
Bacon
Ware
Pierce
Brantley
Charlton

382. Georgia 12—Liberty
Liberty
Long
McIntosh
Wayne
Glynn
Camden

383. Georgia 13—Early
Early
Calhoun
Baker
Miller
Decatur
Mitchell
Grady
Thomas
Seminole

384. Georgia 14—Worth
Worth
Tift
Berrien
Colquitt
Cook
Lanier
Lowndes
Clinch
Echols
Atkinson
Brooks

HAWAII

385. Hawaii 1—Kauai
Kauai

386. Hawaii 2—Maui
Maui
Kalawao

387. Hawaii 3—Hawaii
Hawaii

IDAHO

388. Idaho 1—Boundary
Boundary
Bonner
Kootenai
Shoshone
Benewah
Latah
Nez Perce
Lewis
Clearwater

ILLINOIS

389. Idaho 2—Idaho
Idaho
Adams
Washington
Valley
Payette
Gem

390. Idaho 3—Lemhi
Lemhi
Custer
Boise

391. Idaho 4—Elmore
Elmore
Owyhee
Canyon

392. Idaho 5—Butte
Butte
Blaine
Camas
Gooding
Lincoln
Twin Falls
Jerome
Minidoka
Cassia

393. Idaho 6—Clark
Clark
Fremont
Jefferson
Madison
Teton
Bingham
Bonneville
Power
Bannock
Caribou
Oneida
Franklin
Bear Lake

394. Illinois 1—Jo Daviess
Jo Daviess
Stephenson
Carroll
Ogle
De Kalb
Whiteside
Lee

395. Illinois 2—Bureau
Bureau
La Salle
Stark
Putnam
Marshall
Livingston
Ford
Iroquois

396. Illinois 3—Mercer
Mercer
Knox
Warren
Henderson
Hancock
Fulton
McDonough
Schuyler

397. Illinois 4—Adams
Adams
Brown
Cass
Pike
Scott
Morgan
Calhoun
Greene
Macoupin

398. Illinois 5—Mason
Mason
Logan
De Witt
Piatt
Moultrie

INDIANA

399. Illinois 6—Montgomery
Montgomery
Christian
Shelby
Bond
Fayette
Effingham
Marion

400. Illinois 7—Vermilion
Vermilion
Douglas
Coles
Edgar
Cumberland
Jasper
Crawford
Clark

401. Illinois 8—Washington
Washington
Jefferson
Randolph
Perry
Franklin
Jackson
Williamson
Union
Johnson
Alexander
Pulaski
Massac

402. Illinois 9—Clay
Clay
Richland
Lawrence
Wayne
Edwards
Wabash
Hamilton
White
Saline
Gallatin
Pope
Hardin

403. Indiana 1—Newton
Newton
La Porte
Starke
Pulaski
Jasper
White

404. Indiana 2—Kosciusko
Kosciusko
Noble
Steuben
Lagrange

405. Indiana 3—Huntington
Huntington
Grant
Blackford
Jay

406. Indiana 4—Miami
Miami
Fulton
Cass
Carroll
Clinton
Wabash

407. Indiana 5—Warren
Warren
Fountain
Montgomery
Parke
Putnam
Benton

408. Indiana 6—Randolph
Randolph
Henry
Wayne
Rush
Fayette
Union
Franklin

409. Indiana 7—Owen
Owen
Greene
Knox
Daviess
Martin
Pike
Dubois
Perry
Spencer

410. Indiana 8—Brown
Brown
Bartholomew
Lawrence
Jackson
Orange
Washington
Crawford
Harrison

411. Indiana 9—Decatur
Decatur
Jennings
Ripley
Ohio
Switzerland
Jefferson
Scott

IOWA

412. Iowa 1—Mills
Mills
Montgomery
Adams
Fremont
Page
Taylor

413. Iowa 2—Union
Union
Clarke
Lucas
Ringgold
Decatur
Wayne

414. Iowa 3—Monroe
Monroe
Wapello
Appanoose
Davis
Van Buren
Jefferson

415. Iowa 4—Muscatine
Muscatine
Louisa
Henry
Des Moines
Lee

416. Iowa 5—Jackson
Jackson
Jones
Cedar
Clinton

417. Iowa 6—Iowa
Iowa
Keokuk
Poweshiek
Mahaska
Jasper
Marion
Washington

418. Iowa 7—Audubon
Audubon
Guthrie
Cass
Adair
Madison

419. Iowa 8—Monona
Monona
Crawford
Harrison
Shelby

420. Iowa 9—Ida
Ida
Sac
Calhoun
Carroll
Greene

421. Iowa 10—Humboldt
Humboldt
Wright
Webster
Hamilton
Boone
Story

422. Iowa 11—Hardin
Hardin
Grundy
Marshall
Tama
Benton

423. Iowa 12—Winneshiek
Winneshiek
Allamakee
Fayette
Clayton
Buchanan
Delaware

424. Iowa 13—Mitchell
Mitchell
Howard
Floyd
Chickasaw
Butler

425. Iowa 14—Kossuth
Kossuth
Winnebago
Worth
Hancock
Cerro Gordo
Franklin

426. Iowa 15—Dickinson
Dickinson
Emmet
Palo Alto
Pocahontas
Buena Vista
Clay

427. Iowa 16—Lyon
Lyon
Osceola
Sioux
O'Brien
Plymouth
Cherokee

KANSAS

428. Kansas 1—Cheyenne	Decatur
	Sherman
Cheyenne	Thomas
Rawlins	Sheridan
429. Kansas 2—Norton	Graham
Norton	Rooks
Phillips	Osborne
Smith	
430. Kansas 3—Jewell	Cloud
Jewell	Clay
Republic	Lincoln
Washington	Ottawa
Mitchell	
431. Kansas 4—Marshall	Riley
Marshall	Pottawatomie
Nemaha	Geary
432. Kansas 5—Brown	Jackson
Brown	Atchison
Doniphan	Leavenworth
433. Kansas 6—Wallace	Greeley
Wallace	Wichita
Logan	Scott
Gove	Lane
434. Kansas 7—Trego	Ness
Trego	Rush
Ellis	Barton
Russel	Pawnee
435. Kansas 8—Ellsworth	Rice
Ellsworth	McPherson
Saline	Marion
Dickinson	
436. Kansas 9—Morris	Chase
Morris	Lyon
Wabaunsee	Greenwood
437. Kansas 10—Franklin	Woodson
Franklin	Allen
Coffey	Bourbon
Anderson	Miami
Linn	
438. Kansas 11—Hamilton	Grant
	Haskell
Hamilton	Morton
Kearney	Stevens
Finney	Seward
Stanton	
439. Kansas 12—Hodgeman	Ford
	Meade
Hodgeman	Clark
Gray	
440. Kansas 13—Edwards	Pratt
Edwards	Comanche
Stafford	Barber
Kiowa	
441. Kansas 14—Reno	Harper
Reno	Sumner
Harvey	Cowley
Kingman	
442. Kansas 15—Elk	Chautauqua
Elk	Montgomery
Wilson	Labette
Neosho	Cherokee
Crawford	

KENTUCKY

443. Kentucky 1—Fulton	McCracken
Fulton	Graves
Hickman	Marshall
Carlisle	Calloway
Ballard	
444. Kentucky 2—Union	Livingston
Union	Caldwell
Webster	Lyon
Hopkins	Trigg
Crittenden	
445. Kentucky 3—Meade	Butler
Meade	Edmondson
Breckinridge	Todd
Hancock	Logan
Ohio	Warren
Grayson	Simpson
McLean	Allen
Muhlenberg	
446. Kentucky 4—Spencer	Washington
	Mercer
Spencer	Marion
Anderson	Larue
Hardin	Green
Nelson	Taylor
447. Kentucky 5—Barren	Russell
Barren	Clinton
Monroe	Wayne
Metcalfe	McCreary
Adair	Hart
Cumberland	
448. Kentucky 6—Madison	Casey
	Lincoln
Madison	Rockcastle
Garrard	Pulaski
Boyle	Laurel
449. Kentucky 7—Trimble	Franklin
	Owen
Trimble	Grant
Carroll	Pendleton
Gallatin	Harrison
Henry	Shelby
450. Kentucky 8—Mason	Rowan
Mason	Bracken
Lewis	Robertson
Fleming	Nicholas
Bath	Menifee
Montgomery	
451. Kentucky 9—Elliott	Johnson
Elliott	Martin
Lawrence	Floyd
Morgan	Pike
Magoffin	
452. Kentucky 10—Powell	Jackson
	Owsley
Powell	Breathitt
Estill	Perry
Wolfe	Knott
Lee	Letcher
453. Kentucky 11—Clay	Knox
Clay	Bell
Leslie	Harlan
Whitley	

LOUISIANA

454. Louisiana 1—Claiborne	Lincoln
	Bienville
Claiborne	Jackson
Union	
455. Louisiana 2—Morehouse	Madison
	Franklin
Morehouse	Tensas
West Carroll	East Carroll
Richland	
456. Louisiana 3—De Soto	Sabine
	Natchitoches
De Soto	Vernon
Red River	
457. Louisiana 4—Caldwell	de Salle
	Catahoula
Caldwell	Condordia
Winn	
458. Louisiana 5—Beauregard	St. Landry
	Acadia
Beauregard	Jefferson Davis
Allen	Cameron
Evangeline	Vermilion
Avoyelles	Pointe Coupee
459. Louisiana 6—Iberville	Iberia
	St. Mary
Iberville	Assumption
460. Louisiana 7—West Feliciana	St.Helena
	Tangipahoa
West Feliciana	Washington
East Feliciana	
461. Louisiana 8—St. James	St. Charles
	St. John the Baptist
St. James	
462. Louisiana 9—Plaquemines	Plaquemines

MAINE

463. Maine 1—Oxford	Franklin
Oxford	
464. Maine 2—Somerset	Piscataquis
Somerset	Aroostook
465. Maine 3—Kennebec	Knox
Kennebec	Lincoln
Waldo	
466. Maine 4—Washington	Washington
	Hancock

MARYLAND

467. Maryland 1—Garrett	Garrett
468. Maryland 2—Kent	Somerset
Kent	Wicomico
Talbot	Worcester
Caroline	Calvert
Dorchester	Queen Anne's
St. Mary's	
469. Maryland 3—Frederick	Frederick

MASSACHUSETTS

470. Massachusetts 1—Franklin	Franklin
471. Massachusetts 2—Barnstable	Dukes
	Nantucket
Barnstable	

MICHIGAN

472. Michigan 1—Gogebic	Baraga
	Iron
Gogebic	Marquette
Ontonagon	Dickinson
Houghton	Menominee
Keweenaw	
473. Michigan 2—Alger	Luce
Alger	Chippewa
Delta	Mackinac
Schoolcraft	
474. Michigan 3—Emmet	Antrim
Emmet	Grand Traverse
Charlevoix	Kalkaska

475. Michigan 4—Cheboygan	Montmorency
	Alpena
Cheboygan	Crawford
Presque Isle	Oscoda
Otsego	Alcona
476. Michigan 5—Manistee	Mason
	Lake
Manistee	Osceola
Wexford	Leelanau
Missaukee	Benzie
477. Michigan 6—Roscommon	Iosco
	Clare
Roscommon	Gladwin
Ogemaw	Arenac
478. Michigan 7—Newaygo	Isabella
	Montcalm
Newaygo	Gratiot
Mecosta	
479. Michigan 8—Allegan	
Allegan	
480. Michigan 9—Cass	Hillsdale
Cass	Lenawee
St. Joseph	Branch
481. Michigan 10—Tuscola	Sanilac
	Huron
Tuscola	

MINNESOTA

482. Minnesota 1—Kittson	Marshall
	Pennington
Kittson	Red Lake
Roseau	
483. Minnesota 2—Lake of the Woods	Clearwater
	Norman
Lake of the Woods	Mahnomen
Beltrami	
484. Minnesota 3—Koochiching	Koochiching
	Itasca
485. Minnesota 4—Lake	Cook
Lake	
486. Minnesota 5—Wilkin	Douglas
	Big Stone
Wilkin	Stevens
Becker	Pope
Otter Tail	Swift
Traverse	Todd
Grant	Wadena
487. Minnesota 6—Hubbard	Aitkin
	Carlton
Hubbard	Mille Lacs
Cass	Kanabec
Crow Wing	Pine
Morrison	Isanti
488. Minnesota 7—Chippewa	Renville
	McLeod
Chippewa	Sibley
Kandiyohi	Nicollet
Meeker	
489. Minnesota 8—Lac qui Parle	Lincoln
	Lyon
Lac qui Parle	Redwood
Yellow Medicine	
490. Minnesota 9—Pipestone	Nobles
	Jackson
Pipestone	Martin
Murray	Brown
Watonwan	Cottonwood
Rock	
491. Minnesota 10—Le Sueur	Waseca
	Steele
Le Sueur	Faribault
Rice	Freeborn
Blue Earth	
492. Minnesota 11—Goodhue	Winona
	Mower
Goodhue	Fillmore
Wabasha	Houston
Dodge	

MISSISSIPPI

493. Mississippi 1—Tunica	Coahoma
	Quitman
Tunica	Panola
Tate	Lafayette
Marshall	
494. Mississippi 2—Benton	Prentiss
	Union
Benton	Pontotoc
Tippah	Lee
Alcorn	Itawamba
Tishomingo	
495. Mississippi 3—Bolivar	Tallahatchie
	Leflore
Bolivar	Carroll
Sunflower	Holmes
496. Mississippi 4—Yalobusha	Calhoun
	Chickasaw
Yalobusha	Clay
Granada	Monroe
497. Mississippi 5—Washington	Warren
	Sharkey
Washington	Humphreys
Issaquena	Yazoo
498. Mississippi 6—Montgomery	Oktibbeha
	Lowndes
Montgomery	Attala
Webster	Winston
Choctaw	Noxubee
499. Mississippi 7—Leake	Kemper
	Scott
Leake	Newton
Neshoba	Lauderdale
500. Mississippi 8—Claiborne	Franklin
	Wilkinson
Claiborne	Amite
Jefferson	Lincoln
Adams	
501. Mississippi 9—Copiah	Lawrence
	Jefferson Davis
Copiah	Walthall
Simpson	Marion
502. Mississippi 10—Smith	Clarke
	Covington
Smith	Jones
Jasper	Wayne
503. Mississippi 11—Lamar	Perry
	Greene
Lamar	George
Forrest	Pearl River

MISSOURI

504. Missouri 1—Atchison	Worth
	Gentry
Atchison	Holt
Nodaway	
505. Missouri 2—Harrison	Putnam
	Grundy
Harrison	Sullivan
Mercer	
506. Missouri 3—Schuyler	Clark
	Adair
Schuyler	Knox
Scotland	Lewis
507. Missouri 4—De Kalb	Caldwell
De Kalb	Livingston
Daviess	Carroll
Clinton	
508. Missouri 5—Linn	Shelby
Linn	Chariton
Macon	Randolph
509. Missouri 6—Marion	Ralls
Marion	Audrain
Monroe	Pike
510. Missouri 7—Saline	Pettis
Saline	Cooper
Howard	Lafayette
Johnson	
511. Missouri 8—Callaway	Montgomery
	Lincoln
Callaway	Warren
512. Missouri 9—Bates	Vernon
Bates	St. Clair
Henry	Cedar
513. Missouri 10—Benton	Camden
Benton	Polk
Hickory	Dallas
514. Missouri 11—Moniteau	Cole
	Miller
Moniteau	Osage
Morgan	Gasconade
515. Missouri 12—Maries	Dent
Maries	Pulaski
Crawford	Phelps
516. Missouri 13—Washington	St. Francois
	Ste. Genevieve
Washington	
517. Missouri 14—Barton	Lawrence
Barton	McDonald
Dade	Barry
518. Missouri 15—Stone	Ozark
Stone	Douglas
Taney	Howell
519. Missouri 16—Laclede	Webster
	Wright
Laclede	Texas
520. Missouri 17—Shannon	Iron
	Oregon
Shannon	Carter
Reynolds	Ripley
521. Missouri 18—Perry	Wayne
Perry	Bollinger
Madison	Cape Girardeau
522. Missouri 19—Stoddard	New Madrid
	Dunklin
Stoddard	Pemiscot
Scott	Butler
Mississippi	

MONTANA

523. Montana 1—Lincoln	Sanders
Lincoln	Lake
Flathead	Teton
Glacier	Pondera

524. Montana 2—Toole	Hill
Toole	Blaine
Liberty	Chouteau
525. Montana 3—Phillips	Valley
Phillips	Garfield
526. Montana 4—Daniels	McCone
Daniels	Richland
Sheridan	Dawson
Roosevelt	Wibaux
527. Montana 5—Mineral	Lewis and Clark
Mineral	Ravalli
Missoula	Granite
Powell	
528. Montana 6—Deer Lodge	Broadwater
	Meagher
Deer Lodge	Judith Basin
Silver Bow	Wheatland
Jefferson	
529. Montana 7—Fergus	Musselshell
Fergus	Sweet Grass
Petroleum	Stillwater
Golden Valley	
530. Montana 8—Beaverhead	Madison
	Gallatin
Beaverhead	Park
531. Montana 9—Carbon	Treasure
Carbon	Rosebud
Big Horn	
532. Montana 10—Pairie	Fallon
Prairie	Powder River
Custer	Carter

NEBRASKA

533. Nebraska 1—Sioux	Banner
Sioux	Kimball
Dawes	Morrill
Box Butte	Cheyenne
Sheridan	Garden
Scotts Bluff	Deuel
534. Nebraska 2—Cherry	Boyd
Cherry	Holt
Keya Paha	Garfield
Brown	Wheeler
Rock	
535. Nebraska 3—Knox	Madison
Knox	Stanton
Antelope	Wayne
Cedar	Cuming
Dixon	Thurston
Pierce	Burt
536. Nebraska 4—Grant	Blaine
Grant	Loup
Arthur	Custer
Hooker	Valley
McPherson	Sherman
Thomas	Greeley
Logan	Howard
537. Nebraska 5—Boone	Colfax
Boone	Butler
Nance	Dodge
Merrick	Washington
Platte	Saunders
Polk	
538. Nebraska 6—Keith	Lincoln
Keith	Dawson
Perkins	Buffalo
539. Nebraska 7—Hall	York
Hall	Seward
Hamilton	
540. Nebraska 8—Chase	Gosper
Chase	Furnas
Dundy	Phelps
Hayes	Harlan
Hitchock	Kearney
Frontier	Franklin
Red Willow	
541. Nebraska 9—Adams	Fillmore
Adams	Thayer
Webster	Saline
Clay	Jefferson
Nuckolls	
542. Nebraska 10—Cass	Johnson
Cass	Nemaha
Otoe	Pawnee
Gage	Richardson

NEVADA

543. Nevada 1—Humboldt	Pershing
	Churchill
Humboldt	
544. Nevada 2—Lander	Eureka
Lander	Elko
545. Nevada 3—Storey	Lyon
Storey	Carson City
Douglas	
546. Nevada 4—Mineral	Esmeralda
Mineral	Nye
547. Nevada 5—White Pine	White Pine
	Lincoln

NEW HAMPSHIRE

548. New Hampshire 1—Coos	Grafton
	Sullivan
Coos	Cheshire
549. New Hampshire 2—Carroll	Belknap
	Merrimack
Carroll	

NEW JERSEY

550. New Jersey 1—Hunterdon	Hunterdon
551. New Jersey 2—Ocean	
Ocean	
552. New Jersey 3—Sussex	Sussex

NEW MEXICO

553. New Mexico 1—San Juan	Cibola
	Rio Arriba
San Juan	Taos
Mckinley	
554. New Mexico 2—Colfax	Union
	Mora
Colfax	Harding
555. New Mexico 3—Catron	Valencia
	Socorro
Catron	Sierra
556. New Mexico 4—Santa Fe	De Baca
	Quay
Santa Fe	Curry
San Miguel	Roosevelt
Torrance	Los Alamos
Guadalupe	
557. New Mexico 5—Grant	Hidalgo
	Luna
Grant	
558. New Mexico 6—Lincoln	Otero
	Eddy
Lincoln	Lea
Chaves	

NEW YORK

559. New York 1—Jefferson	St. Lawrence
	Lewis
Jefferson	
560. New York 2—Franklin	Essex
	Hamilton
Franklin	Fulton
Clinton	
561. New York 3—Chautauqua	Genesee
	Wyoming
Chautauqua	Allegany
Cattaraugus	Steuben
562. New York 4—Yates	Cayuga
Yates	Tompkins
Seneca	Cortland
Schuyler	Chenango
563. New York 5—Otsego	Schoharie
	Sullivan
Otsego	Ulster
Delaware	
564. New York 6—Columbia	Columbia
	Greene

NORTH CAROLINA

565. North Carolina 1—Cherokee	Macon
	Swain
Cherokee	Haywood
Clay	Jackson
Graham	Transylvania
566. North Carolina 2—Yancey	Avery
	Watauga
Yancey	Caldwell
Mitchell	
567. North Carolina 3—Ashe	Wilkes
	Alleghany
Ashe	Surry
568. North Carolina 4—Henderson	Rutherford
	Cleveland
Henderson	McDowell
Polk	Lincoln
569. North Carolina 5—Anson	Montgomery
	Richmond
Anson	Scotland
570. North Carolina 6—Chatham	Moore
	Lee
Chatham	
571. North Carolina 7—Rockingham	Granville
	Vance
Rockingham	Warren
Caswell	Franklin
Person	
572. North Carolina 8—Northampton	Nash
	Wilson
Northampton	Edgecomb
Halifax	
573. North Carolina 9—Camden	Chowan
	Gates
Camden	Hertford
Pasquotank	Bertie
Perquimans	
574. North Carolina 10—Harnett	Johnston
	Wayne
Harnett	

575. North Carolina 11—Hoke
Hoke
Robeson
Bladen
Columbus

576. North Carolina 12—Sampson
Sampson
Duplin
Pender

577. North Carolina 13—Greene
Greene
Lenoir
Jones
Craven
Carteret
Pamlico

578. North Carolina 14—Pitt
Pitt
Martin
Washington
Tyrrell
Dare
Beaufort
Hyde

579. North Carolina 15—Cabarrus
Cabarrus
Rowan
Iredell
Davie
Stanly

NORTH DAKOTA

580. North Dakota 1—Divide
Divide
Williams
Mountrail
Burke
Renville
McLean
Ward

581. North Dakota 2—Bottineau
Bottineau
Rolette
McHenry
Pierce
Benson
Towner
Cavalier
Ramsey

582. North Dakota 3—Barnes
Barnes
La Moure
Dickey
Pembina
Walsh
Nelson
Griggs
Steele
Traill
Ransom
Sargent
Richland

583. North Dakota 4—McKenzie
McKenzie
Dunn
Billings
Golden Valley
Stark
Slope
Bowman
Hettinger
Adams
Grant
Sioux
Mercer
Oliver

584. North Dakota 5—Kidder
Kidder
Stutsman
Emmons
Eddy
Foster
Sheridan
Wells
Logan
McIntosh

OHIO

585. Ohio 1—Williams
Williams
Defiance
Henry
Paulding

586. Ohio 2—Sandusky
Sandusky
Erie
Seneca
Huron

587. Ohio 3—Ashtabula
Ashtabula

588. Ohio 4—Mercer
Mercer
Darke
Shelby
Logan
Union

589. Ohio 5—Hancock
Hancock
Hardin
Wyandot
Crawford
Marion

590. Ohio 6—Morrow
Morrow
Ashland
Knox
Wayne
Holmes
Coshocton
Licking

591. Ohio 7—Tuscarawas
Tuscarawas
Harrison
Muskingum
Guernsey
Noble
Monroe

592. Ohio 8—Clinton
Clinton
Fayette
Highland
Brown
Adams

593. Ohio 9—Ross
Ross
Pike
Jackson
Scioto
Gallia

594. Ohio 10—Perry
Perry
Morgan
Hocking
Athens
Vinton
Meigs

595. Ohio 11—Columbiana
Columbiana

OKLAHOMA

596. Oklahoma 1—Cimarron
Cimarron
Texas
Beaver

597. Oklahoma 2—Harper
Harper
Ellis
Woods
Alfalfa
Major
Woodward

598. Oklahoma 3—Grant
Grant
Kay
Noble
Logan
Pawnee
Payne
Lincoln

599. Oklahoma 4—Nowata
Nowata
Craig
Ottawa
Washington
Delaware
Cherokee
Adair

600. Oklahoma 5—Roger Mills
Roger Mills
Dewey
Custer
Blaine
Kingfisher

601. Oklahoma 6—Seminole
Seminole
Okfuskee
Okmulgee
Hughes
McIntosh
Muskogee
Pittsburg

602. Oklahoma 7—Beckham
Beckham
Washita
Harmon
Greer
Kiowa
Caddo
Grady

603. Oklahoma 8—Jackson
Jackson
Tillman
Cotton
Stephens
Jefferson

604. Oklahoma 9—Garvin
Garvin
Murray
Carter
Love
Pontotoc
Johnston
Marshall
Coal
Atoka
Bryan

605. Oklahoma 10—Haskell
Haskell
Latimer
Pushmataha
Choctaw
McCurtain

OREGON

606. Oregon 1—Clatsop
Clatsop
Columbia
Tillamook
Yamhill

607. Oregon 2—Hood River
Hood River
Wasco
Sherman
Gilliam
Morrow
Jefferson

608. Oregon 3—Umatilla
Umatilla
Union
Wallowa
Grant
Baker
Malheur

609. Oregon 4—Lincoln
Lincoln
Benton
Linn

610. Oregon 5—Coos
Coos
Douglas
Curry
Josephine

611. Oregon 6—Crook
Crook
Deschutes
Harney
Klamath
Lake

PENNSYLVANIA

612. Pennsylvania 1—Crawford
Crawford
Warren
Venango
Forest

613. Pennsylvania 2—McKean
McKean
Elk
Cameron

614. Pennsylvania 3—Potter
Potter
Tioga
Clinton

615. Pennsylvania 4—Bradford
Bradford
Sullivan
Wyoming
Wheeler

616. Pennsylvania 5—Wayne
Wayne
Pike

617. Pennsylvania 6—Lawrence
Lawrence
Butler
Clarion
Armstrong

618. Pennsylvania 7—Jefferson
Jefferson
Indiana
Clearfield

619. Pennsylvania 8—Union
Union
Columbia
Snyder
Montour
Northumberland
Schuylkill

620. Pennsylvania 9—Greene
Greene
Fayette

621. Pennsylvania 10—Bedford
Bedford
Fulton
Franklin

622. Pennsylvania 11—Huntington
Huntington
Mifflin
Juniata

623. Pennsylvania 12—Lebanon
Lebanon

RHODE ISLAND

624. Rhode Island 1—Newport
Newport

SOUTH CAROLINA

625. South Carolina 1—Oconee
Oconee

626. South Carolina 2—Laurens
Laurens
Greenwood
McCormick
Edgefield
Saluda
Newberry
Abbeville

627. South Carolina 3—Cherokee
Cherokee
Union
Chester
Fairfield

628. South Carolina 4—Chesterfield
Chesterfield
Kershaw
Dillon
Marlboro
Darlington

629. South Carolina 5—Georgetown
Georgetown
Marion
Horry

630. South Carolina 6—Clarendon
Clarendon
Williamsburg
Lee
Sumter

631. South Carolina 7—Calhoun
Calhoun
Orangeburg
Barnwell
Bamberg
Allendale

632. South Carolina 8—Hampton
Hampton
Colleton
Jasper
Beaufort

633. South Carolina 9—Lancaster
Lancaster
York

SOUTH DAKOTA

634. South Dakota 1—Harding
Harding
Perkins
Butte
Lawrence

635. South Dakota 2—Corson
Corson
Ziebach
Dewey
Campbell
Walworth
Potter

636. South Dakota 3—McPherson
McPherson
Edmounds
Brown
Faulk
Spink

637. South Dakota 4—Marshall
Marshall
Roberts
Day
Clark
Grant
Codington
Hamlin
Deuel

638. South Dakota 5—Custer
Custer
Fall River
Shannon

639. South Dakota 6—Haakon
Haakon
Stanley
Jackson
Bennett
Jones
Lyman
Mellette
Todd
Tripp
Gregory

640. South Dakota 7—Sully
Sully
Hughes
Hyde
Hand
Buffalo
Jerauld
Brule
Aurora
Davison
Douglas
Charles Mix

641. South Dakota 8—Kingsbury
Kingsbury
Brookings
Beadle
Sanborn
Miner
Lake
Moody

642. South Dakota 9—Hanson
Hanson
McCook
Hutchinson
Turner
Lincoln
Bon Homme
Yankton
Clay
Union

TENNESSEE

643. Tennessee 1—Lake
Lake
Obion
Dyer
Lauderdale
Crockett
Gibson
Weakley
Henry
Carroll
Benton
Stewart
Houston
Humphreys

644. Tennessee 2—Cannon
Cannon
De Kalb
Coffee
Warren
White
Van Buren
Grundy
Smith

645. Tennessee 3—Macon
Macon
Trousdale
Roane
Cumberland
Clay
Jackson
Putman
Pickett
Overton
Fentress
Scott
Morgan
Campbell
Clairborne
Hancock

646. Tennessee 4—Hamblen
Hamblen
Greene
Cocke
Grainger
Jefferson
Sevier

647. Tennessee 5—Fayette
Fayette
Haywood
Madison
Hardeman
Chester
Henderson
McNairy
Hardin
Decatur
Perry
Wayne
Hickman
Lewis
Lawrence

648. Tennessee 6—Giles
Giles
Marshall
Lincoln
Moore
Bedford
Franklin

649. Tennessee 7—Bledsoe
Bledsoe
Rhea
Meigs
Bradley
McMinn
Polk
Monroe
Loudon

650. Tennessee 8—Johnson
Johnson

651. Tennessee 9—Maury
Maury

TEXAS

652. Texas 1—Dallam
Dallam
Hartley
Oldham
Deaf Smith
Sherman
Moore

653. Texas 2—Hansford
Hansford
Ochiltree
Lipscomb
Hutchinson
Roberts
Hemphill
Carson
Gray
Wheeler
Armstrong
Donley
Collingsworth

654. Texas 3—Parmer
Parmer
Castro
Swisher
Bailey
Lamb
Hale
Cochran
Hockley
Yoakum
Terry
Lynn

655. Texas 4—Briscoe
Briscoe
Hall
Childress
Floyd
Motley
Cottle
Crosby
Dickens
King
Garza
Kent
Stonewall

656. Texas 5—Hardeman
Hardeman
Foard
Knox
Haskell
Shackelford
Throckmorton
Baylor
Wilbarger
Archer
Young
Stephens

657. Texas 6—Jack
Jack
Palo Pinto
Montague
Cooke

658. Texas 7—Fannin
Fannin
Hunt
Rains
Lamar
Delta
Hopkins
Wood
Red River
Franklin
Titus
Camp
Upshur
Morris
Cass
Marion

659. Texas 8—Gaines
Gaines
Andrews
Dawson
Martin
Borden
Howard
Glasscock
Scurry
Mitchell
Sterling
Fisher
Nolan
Coke

660. Texas 9—Runnels
Runnels
Coleman
Eastland
Brown
Mills
Comanche
Erath
Somervell
Hamilton
Bosque
Hill

661. Texas 10—Navarro
Navarro
Van Zandt
Henderson
Limestone
Falls
Milam
Robertson
Leon
Anderson
Freestone

662. Texas 11—Cherokee
Cherokee
Rusk
Panola
Nacogdoches
Angelina
San Augustine
Shelby
Sabine

663. Texas 12—Hudspeth
Hudspeth
Culbertson
Jeff Davis
Presidio
Brewster

664. Texas 13—Reeves
Reeves
Pecos
Terrell

665. Texas 14—Loving
Loving
Ward
Crane
Upton
Reagan
Irion
Crockett
Schleicher
Sutton
Winkler

666. Texas 15—Concho
Concho
Menard
Llano
Kimble
McCulloch
Mason
Kerr
Gillespie
Kendall
Blanco
Burnet
Lampasas
San Saba

667. Texas 16—Burleson
Burleson
Lee
Bastrop
Caldwell
Gonzales
Lavaca
Jackson
Matagorda
Wharton
Colorado
Fayette
Austin
Washington

668. Texas 17—Newton	Walker
Newton	Grimes
Jasper	Madison
Tyler	Houston
Polk	Trinity
San Jacinto	
669. Texas 18—Edwards	Zavala
Edwards	Frio
Real	Dimmit
Kinney	La Salle
Uvalde	Val Verde
Medina	Bandera
Maverick	
670. Texas 19—Atascosa	Zapata
Atascosa	Starr
McMullen	Brooks
Duval	Kenedy
Live Oak	Kleberg
Jim Wells	Willacy
Jim Hogg	
671. Texas 20—Wilson	De Witt
Wilson	Refugio
Karnes	Calhoun
Bee	Aransas
Goliad	
672. Texas 21—Chambers	Chambers

UTAH

673. Utah 1—Box Elder	Cache
Box Elder	Rich
674. Utah 2—Morgan	Summit
Morgan	Wasatch
675. Utah 3—Juab	Sanpete
Juab	Sevier
Millard	
676. Utah 4—Beaver	Iron
Beaver	Washington
677. Utah 5—Carbon	Emery
Carbon	Grand
Daggett	Duchesne
Uintah	
678. Utah 6—Piute	Garfield
Piute	Kane
Wayne	San Juan

VERMONT

679. Vermont 1—Franklin	Lamoille
Franklin	Washington
Orleans	Caledonia
Essex	Orange
680. Vermont 2—Addison	Windsor
Addison	Bennington
Rutland	Windham

VIRGINIA

681. Virginia 1—Lee	Buchanan
Lee	Russell
Wise	Norton City
Dickenson	
682. Virginia 2—Tazewell	Bland
Tazewell	Wythe
Galax City	Grayson
Smyth	
683. Virginia 3—Giles	Carroll
Giles	Floyd
Pulaski	Patrick
Montgomery	Radford City
684. Virginia 4—Bedford	Franklin
Bedford	Henry
Bedford City	Martinsville City
685. Virginia 5—Bath	Buena Vista City
Bath	Clifton Forge City
Rockbridge	Covington City
Alleghany	Lexington City
686. Virginia 6—Highland	Nelson
Highland	Harrisonburg City
Augusta	Staunton City
Rockingham	Waynesboro City
687. Virginia 7—Buckingham	Halifax
	Prince Edward
Buckingham	Cumberland
Charlotte	South Boston City
688. Virginia 8—Amelia	Mecklenburg
Amelia	Brunswick
Nottoway	Lunenburg
689. Virginia 9—Greensville	Surry
	Isle of Wight
Greensville	Emporia City
Sussex	Franklin City
Southampton	
690. Virginia 10—Frederick	Page
	Rappahannock
Frederick	Fauquier
Clarke	Warren
Shenandoah	Winchester City
692. Virginia 11—Madison	Spotsylvania
	Louisa
Madison	Stafford
Culpeper	Fredericksburg City
Orange	
694. Virginia 12—Caroline	Westmoreland
	Northumberland
Caroline	Lancaster
King George	Mathews
King William	Northampton
King and Queen	Accomack
Essex	Middlesex
Richmond	

WASHINGTON

693. Washington 1—Clallam	Island
	San Juan
Clallam	Skagit
Jefferson	
694. Washington 2—Okanogan	Chelan
	Douglas
Okanogan	
695. Washington 3—Ferry	Stevens
	Pend Oreille
Ferry	
696. Washington 4—Grays Harbor	Grays Harbor
	Mason
697. Washington 5—Kittitas	Grant
	Lincoln
Kittitas	Adams
698. Washington 6—Pacific	Wahkiakum
	Lewis
Pacific	Cowlitz
699. Washington 7 Skamania	Skamania
	Klickitat
700. Washington 8—Whitman	Columbia
	Garfield
Whitman	Asotin
Walla Walla	

WEST VIRGINIA

701. West Virginia 1—Mason	Jackson
	Roane
Mason	Calhoun
702. West Virginia 2—Wetzel	Ritchie
	Gilmer
Wetzel	Lewis
Tyler	Doddridge
Pleasants	
703. West Virginia 3—Monongalia	Harrison
	Taylor
Monongalia	Barbour
Marion	Preston
704. West Virginia 4—Grant	Hampshire
	Morgan
Grant	Berkeley
Pendleton	Jefferson
Hardy	
705. West Virginia 5—Tucker	Webster
	Braxton
Tucker	Clay
Randolph	Nicholas
Upshur	Pocahontas
706. West Virginia 6—Lincoln	Logan
	Boone
Lincoln	McDowell
Mingo	Wyoming
707. West Virginia 7—Raleigh	Mercer
	Summers
Raleigh	Monroe
Fayette	Greenbriar

WISCONSIN

708. Wisconsin 1—Burnett	Washburn
	Polk
Burnett	Barron
709. Wisconsin 2—Bayfield	Iron
	Sawyer
Bayfield	Rusk
Ashland	Price
710. Wisconsin 3—Vilas	Lincoln
Vilas	Langlade
Oneida	Forest
Florence	Taylor
711. Wisconsin 4—Marinette	Oconto
	Menominee
Marinette	Shawano
712. Wisconsin 5—Pierce	Pepin
Pierce	Buffalo
Dunn	
713. Wisconsin 6—Trempealeau	Clark
	Jackson
Trempealeau	Monroe
714. Wisconsin 7—Wood	Adams
Wood	Marquette
Portage	Green Lake
Waupaca	Waushara
Juneau	
715. Wisconsin 8—Vernon	Grant
	Sauk
Vernon	Iowa
Crawford	Lafayette
Richland	Green
716. Wisconsin 9—Columbia	Jefferson
	Walworth
Columbia	Fond du Lac
Dodge	

717. Wisconsin 10—Door	Kewaunee
Door	Manitowoc

WYOMING

718. Wyoming 1—Park	Big Horn
Park	Washakie
Hot Springs	
719. Wyoming 2—Sheridan	Campbell
	Crook
Sheridan	Weston
Johnson	
720. Wyoming 3—Lincoln	Uinta
Lincoln	Sublette
Teton	Fremont
Carbon	Sweetwater
721. Wyoming 4—Niobrara	Platte
	Goshen
Niobrara	Laramie
Albany	
722. Wyoming 5—Converse	Converse

PUERTO RICO

723. Puerto Rico 1—Rincon	Rincon
724. Puerto Rico 2—Adjuntas	Las Marias
	Maricao
Adjuntas	Penuelas
Guanica	Sabana Grande
Guayanilla	San Sebastian
Lejas	Yauco
Lares	
725. Puerto Rico 3—Ciales	Morovis Municipio
	Orocovis Municipio
Ciales Municipio	Utuado Municipio
Jayuya Municipio	
726. Puerto Rico 4—Aibonito	Guayama Municipio
	Maunabo Municipio
Aibonito Municipio	Patillas Municipio
Arroyo Municipio	Salinas Municipio
Barranquitas Municipio	Santa Isabel Municipio
Coamo Municipio	Yabucoa Municipio
Comerio Municipio	
727. Puerto Rico 5—Cieba	Ceiba Municipio
	Naguabo Municipio
728. Puerto Rico 6—Vieques	Vieques Municipio
729. Puerto Rico 7—Culebra	Culebra Municipio

U.S. VIRGIN ISLANDS

730. Virgin Islands 1—St. Thomas Island	St. John Island and environs
St. Thomas Island	
731. Virgin Islands 2—St. Croix Island	St. Croix Island and environs

GUAM

732. Guam	and environs
Island of Guam	

OTHER TERRITORIES AND POSSESSIONS

733. American Samoa	Rose Island
Eastern District	Swains Island
Manu's District	Western District
734. Northern Mariana Islands	Rota Municipality
	Saipan Municipality
Northern Island Municipality	Tinian Municipality

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-11367 Filed 5-19-88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-4-NC-4]

North Carolina Radiological Emergency Response Plans

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plans.

SUMMARY: For operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local governments' plans, the State of North Carolina has submitted their radiological emergency response plans to the FEMA Regional Office. These plans support a nuclear power plant which impacts on North Carolina and includes those of local governments near Carolina Power and Light Companys' Shearon Harris Nuclear Power Plant located in Wake County, North Carolina.

Date Plans Received: North Carolina—May 6, 1988

FOR FURTHER INFORMATION CONTACT: Mr. Major P. May, Regional Director, FEMA Region IV, 1371 Peachtree Street, NE., Atlanta, Georgia 30309, 404/853-4200.

Notice: In support of the Federal requirement for emergency response plans, FEMA has a final Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this FEMA Rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness", 45 FR 42341, "The North Carolina Emergency Response Plan in Support of the Shearon Harris Nuclear Power Plant" was received by the Federal Emergency Management Agency, Region IV Office.

Included are radiological emergency response plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of Plant Harris. Plans are included for Chatham, Harnett, Lee and Wake Counties, North Carolina.

Copies of the plans are available for review at the FEMA Region IV Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in Subpart C of 44 CFR Part 5. There are 592 pages in this document; reproduction fees are $0.10 a page payable with the request for copy.

Comments on the plan may be submitted in writing to Mr. Major P. May, Regional Director, at the above address within thirty days of this **Federal Register** Notice.

FEMA Rule CFR 350.10 also calls for a public meeting prior to approval of the palns. This meeting was held in accordance with FEMA Rule 44 CFR 350.10 in Apex, North Carolina, at 3:30 p.m., May 19, 1985.

Major P. May,

Regional Director.

[FR Doc. 88-11346 Filed 5-19-88; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-010636-040

Title: U.S. Atlantic-North Europe Conference

Parties: Atlantic Container Line, B.V., Dart-ML Limited, Hapag-Lloyd AG, Sea-Land Service, Inc., A.P. Moller-Maersk Line, Gulf Container Line (GCL), B.V., P&O Containers Line (TFL) Limited, Compagnie Generale Maritime (CGM), Nedlloyd lijnen, B.V.

Synopsis: The proposed amendment would conform the agreement to the Commission's requirements concerning Service Contract

provisions. The parties have requested a shortened review period.
Agreement No.: 202–010637–029
Title: North Europe-U.S. Atlantic Conference
Parties: Atlantic Container Line, B.V., Hapag-Lloyd AG, Sea-Land Service, Inc., Nedlloyd Lijnen, B.V., Gulf Container Line (GCL), B.V., P&O Containers Line (TFL) Limited, Compagnie Generale Maritime (CGM)
Synopsis: The proposed amendment would conform the agreement to the Commission's requirements concerning Service Contract provisions. The parties have requested a shortened review period.
Agreement No.: 203–011141–003
Title: Gulfway
Parties: Lykes Bros. Steamship Co., Inc., Hapag-Lloyd AG, Sea-Land Service, Inc., P&O Containers Line (TFL) Limited, Gulf Container Line (GCL), B.V., Compagnie Generale Maritime (CGM), Nedlloyd Lijnen, B.V., South Atlantic Cargo Shipping (Atlanticargo), N.V.
Synopsis: The proposed amendment would conform the agreement to the Commission's requirements concerning Service Contract provisions. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: May 17, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 88–11374 Filed 5–19–88; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 88–15]

California Shipping Line, Inc. v. Yangming Marine Transport Corp.; Filing of Complaint and Assignment

Notice is given that a complaint filed by California Shipping Line, Inc. ("CSL") against Yangming Marine Transport Corp. ("Yangming") was served May 16, 1988. CSL alleges that Yangming has violated section 8(c) of the Shipping Act of 1984 ("the Act"), 46 U.S.C. app. 1707(c) by failing and refusing to make available to CSL the essential terms of three service contracts. Yangming is also alleged to have violated section 10(b)(2) of the Act, 46 U.S.C. app. 1709(b)(12) by subjecting CSL to an unreasonable refusal to deal or to any undue or unreasonable prejudice or disadvantage, and section 10(b)(5) of the Act, 46 U.S.C. app. 1709(b)(5) by unjustly discriminating against CSL.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by May 16, 1989, and the final decision of the Commission shall be issued by September 18, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 88–11306 Filed 5–19–88; 8:45 am]

BILLING CODE 6730–01–M

Intent to Cancel Inactive Tariffs

The foreign commerce files of the Federal Maritime Commission contain numerous tariffs filed on behalf of firms which appear to be inactive or no longer operating as common carriers. For the purpose of this notice a carrier has been deemed to be inactive or no longer operating if it has met all of the following criteria: (1) Return as undeliverable by the United States Postal Service of an anti-rebating certificate reminder letter mailed to the carrier at its last known address; (2) failure of the carrier to file an anti-rebating certificate; and (3) failure of the carrier to amend its tariffs during the preceding twelve months.

Inactive tariffs reflect inaccurate information and serve no useful purpose. Accordingly, in the absence of a showing of good cause why such action should not be taken, the Commission proposes to cancel the tariffs of the companies included on the atached list which are inactive or no longer operating. It should be noted that certain information items on the attached list may not apply to a particular carrier and are, therefore, designated no applicable (NA).

Now therefore, it is ordered, That the carriers included on the attached list advise the Federal Maritime Commission's Director, Bureau of Domestic Regulation at 1100 L Street NW., Washigton, DC 20573, in writing, within 30 days after the publication of this Order in the **Federal Register,** of any reason why the Commission should not cancel their respective tariffs;

It is further ordered, That a copy of this Order be sent by certified mail to the last known address of the carriers listed in the attachment;

It is further ordered, That the tariffs of all carriers named in the attached list who fail, within the time allotted, to provide good cause for maintaining these tariffs in an active status be cancelled;

It is further ordered, That this notice be published in the **Federal Register.**

This Order is issued pursuant to authority delegated to the Director, Bureau of Domestic Regulation by section 9.04 of Commission Order No. 1 (Revised) dated November 12, 1981.

Robert G. Drew,

Director, Bureau of Domestic Regulation.

Federal Maritime Commission

Bureau of Domestic Regulation Office of Carrier Tariffs and Service Contract Operations

Inactive Tariffs Listed by Acronym and name Number

Acronym: Adriatic Container Line
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Via L. Einuadi
City: 1—34121 Trieste
State:
Country: Italy
License Number: 000168

Acronym: AEI Ocean Services Corporation
DBA: NA.
Person Type: non-Vessel-Operating Common Carrier
Street: 120 Tokeneke Road, P.O. Box 1231
City: Darien
State: CT 06820
Country: United States of America
License No.: NA.
Name Number: 007686

Acronym: Africa Ocean Line (NIG) Ltd.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 346 Herbert Macaulay-Jaba
City: Lagos
State:
Country: Nigeria
License No.: NA.
Name Number: 002845

Acronym: African Liner Service, Inc.
DA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 39 Broadway
City: New York
State: NY 10004
Country: United States of America

License No.: NA.
Name Number: 007683

Acronym: Agencija Rudenjak Inc.
DBA: NA.
Person Type: non-Vessel-Operating Common Carrier
Street: 32–08A Broadway
City: Astoria
Country: United States of America
License No.: NA.
Name Number: 00175

Acronym: Agro Marine, Inc.
DBA: NA.
Person Type : non-Vessel-Operating Common Carrier
Street: 555 Northeast 15th St., Suite Penthouse B
City: Miami
State: FL 33132
Country: United States of America
License No.: NA.
Name Number: 006618

Acronym: Agro Steamship line, Inc.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 3301 Northwest Southriver Drive
City: Miami
State: FL 33132
Country: United States of America
License No.: NA.
Name Number: 006619

Acronym: AHS Internation, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 603 Kendall Court
City: Schaumburg
State: IL 60194
Country: United States of America
License No.: NA.
Name Number: 007687

Acronym: Air Ocean Express, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 9808 Bryn Mawr Ave.
City: Rosemont
State: IL 60019
Country: United States of America
License No.: NA.
Name Number: 006301

Acronym: Airline Booking Center Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 2311 Lee Avenue—unit 8
City: South El Monte
State: CA 91733
Country: United States of America
License No.: NA.
Name Number: 007689

Acronym: Altamirano Shipping, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 239 Elm Street
City: Newark
State: NJ 07105
Country: United States of America
License No.: NA.
Name Number: 000214

Acronym: Amerasia, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 611 Tonnelle Avenue
City: Jersey City
State: NJ 07307
Country: United States of America
License No.: NA.
Name Number: 006190

Acronym: America/Middle East Line, The
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 17 Battery Place, Suite 1930
City: New York
State: NY 10004
Country: United States of America
License No.: NA.
Name Number: 007679

Acronym: American International Forwarding, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 5177 Campbell Run Road
City: Pittsburgh
State: PA 15205
Country: United States of America
License No.: NA.
Name Number: 000227

Acronym: American Navigation Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: One World Trade Center, Suite 2161
City: New York
State: NY 10048
Country: United States of America
License No.: NA.
Name Number: 007685

Acronym: American Ocean Freight Carriers Corp.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 65 Springfield Ave.
City: Springfield
State: NJ 07081
Country: United States of America
License No.: NA.
Name Number: 007684

Acronym: American Seaway Carriers, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 899 Market Street, P.O. Box 127
City: Paterson
State: NJ 07513
Country: United States of America
License No.: NA.
Name Number: 005856

Acronym: American Shipping Lines, Inc.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating) non-Vessel-Operating Common Carrier
Street: 6000 N.W. 84th Avenue
City: Miami
State: FL 33166
Country: United States of America
License No.: NA.
Name Number: 007719

Acronym: American Trader Lines
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 7529 Chatham road
City: Medina
State: OH 44256
Country: United States of America
License No.: NA.
Name Number: 005860

Acronym: American Transport, Inc.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 307 51st Place
City: Kenosha
State: WI 53140
Country: United States of America
License No.: NA.
Name Number: 007688

Acronym: American Union Transport
DBA: NA.
Person type: Ocean Freight Forwarder (Independent) non/Vessel-Operating Common Carrier
Street: 15 East 25th Street
City: New York
State: NY 10010
Country: United States of America
License No.: 448
Name Number: 004235

Acronym: Aquarius Intermodal, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 1932 Lebanon Street
City: Hyattsville
State: MD 20783
Country: United States of America
License No.: NA.
Name Number: 000265

Acronym: Aremar C.I.F.S.A.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: Viamonte 494
City: Buenos Aires
State:
Country: Argentina

License No.: NA.
Name Number: 006197

Acronym: Armada Central American Lines Ltd
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 80 Broad Street
City: Monrovia, Liberia
State:
Country: Liberia
License No.: NA.
Name Number: 005882

Acronym: Arrow Ocean Lines Ltd.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 4896 Pearce St
City: Huntington Beach
State: CA 92649
Country: United States of America
License No.: NA.
Name Number: 000273

Acronym: Ascot International, U.S.A.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 2201 W. Lunt Avenue
City: Elk Grove Village
State: IL 60007
Country: United States of America
License No.: NA.
Name Number: 006198

Acronym: Astram
DBA: Astratainer
Person type: Non-Vessel-Operating Common Carrier
Street: Noorderlaan, 139
City: 2030 Antwerp
State:
Country: Belgium
License No.: NA.
Name Number: 001766

Acronym: Atlantic Express Lines
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: C/O Terra Marine Logistic, 1602 ITM Bldg No. 2 Canal Street
City: New Orleans
State: LA 70130
Country: United States of America
License No.: NA.
Name Number: 007666

Acronym: AVI International, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: Seven Dey Street, Suite 711
City: New York
State: NY 10007
Country: United States of America
License No.: NA.
Name Number: 000321

Acronym: Azalea Shipping and Chartering, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: Brookley Industrial Complex, Bldg. 219
City: Mobile
State: AL 36615
Country: United States of America
License No.: NA.
Name Number: 006348

Acronym: Bahama Adventure Shipping, Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box N-3587
City: Nassau, NP
State:
Country: Bahama Islands
License No.: NA.
Name Number: 000333

Acronym: Balikbayan Cargo Consolidators
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 1201 Sixth St.
City: San Francisco
State: CA 94107
Country: United States of America
License No.: NA.
Name Number: 007681

Acronym: Benovi Line S.A.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 3611 N.W. South River Drive
City: Miami
State: FL 33142
Country: United States of America
License No.: NA.
Name Number: 007667

Acronym: Bermuda Atlantic Line, Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box 1198
City: Hamilton 5
State:
Country: Bermuda
License No.: NA.
Name Number: 000363

Acronym: Bermuda Atlantic Lines, Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 750 N.E. 7th Avenue
City: Dania
State: FL 33004
Country: United States of America
License No.: NA.
Name Number: 007672

Acronym: Bilgrey Cargo, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 158-10 Rockaway Boulevard
City: Jamaica
State: NY 11434
Country: United States of America
License No.: NA.
Name Number: 006166

Acronym: Bimini Businessmen's Association
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: Box 629
City: Alice Town, Bimini Islands
State:
Country: Bahama Islands
License No.: NA.
Name Number: 000376

Acronym: Bimini Conveyors, Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box 601
City: Bimini
State:
Country: Bahama Islands
License No.: NA.
Name Number: 000377

Acronym: Boat Shippers, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 2505 W. Coast Hwy, Suite 102
City: New Port Beach
State: CA 92663
Country: United States of America
License No.: NA.
Name Number: 007728

Acronym: Box Caribbean Lines, S.A.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 17 Battery Place
City: New York
State: NY 10004
Country: United States of America
License No.: NA.
Name Number: 007682

Acronym: Brasil-America Container Line
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box N-4465
City: Nassau Bahamas
State:
Country: Bahama Islands
License No.: NA.
Name Number: 006200

Acronym: Broadland Freight Services Co., Ltd.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: Unit 1515 World Finance Center, South Tower Harbor City

City: Kowloon
State:
Country: Hong Kong
License No.: NA.
Name Number: 006201

Acronym: BSK Speditionsgesellschaft
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: OST West Strabe 74
City: 2000 Hamburg 11
State:
Country: German Federal Republic (West)
License No.: NA.
Name Number: 007665

Acronym: Budget International Transport
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 530 East 8th Street
City: Los Angeles
State: CA 90014
Country: United States of America
License No.: NA.
Name Number: 000394

Acronym: BWI Transworld, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 3200 4th Avenue South
City: Seattle
State: WA 98134
Country: United States of America
License No.: NA.
Name Number: 007673

Acronym: C D Consolidators
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 4519 Wawona Street
City: Los Angeles
State: CA 90065
Country: United States of America
License No.: NA.
Name Number: 006324

Acronym: C.C. Group Line
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 10920 LA Cienega Boulevard
City: Lennox
State: CA 90304
Country: United States of America
License No.: NA.
Name Number: 007693

Acronym: C.M.T. Lines SA
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 3701 N.W. South River Drive
City: Miami
State: FL 33142
Country: United States of America
License No.: NA.
Name Number: 007680

Acronym: C.O.D. Cargo Express, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 3660 Wilshire Blvd., Suite 326
City: Los Angeles
State: CA 90010
Country: United States of America
License No.: NA.
Name Number: 006335

Acronym: C.P. Container Corp.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 277 Broadway, Suite 1005
City: New York
State: NY 10007
Country: United States of America
License No.: NA.
Name Number: 007061

Acronym: Capella Marine Service, S.A.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 37–74 Oficina 105, via Espana, Edificio Rafael
City: Panama City
State:
Country: Republic of Panama
License No.: NA.
Name Number: 006234

Acronym: Cargo Line & Services, Inc.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 5360 S.W. 3rd Street
City: Miami
State: FL 33136
Country: United States of America
License No.: NA.
Name Number: 002800

Acronym: Cargo Point International Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 45 John Street Suite 902
City: New York
State: NY 10038
Country: United States of America
License No.: NA.
Name Number: 005995

Acronym: Cargo Transport Corporation
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: C/O Ray Carlisle, P.O. Box 55848
City: Houston
State: TX 77255
Country: United States of America
License No.: NA.
Name Number: 007697

Acronym: Cari-Cargo International, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 8341 N.W. 66th Street
City: Miami
State: FL 33166
Country: United States of America
License No.: NA.
Name Number: 000718

Acronym: Caribbean American Freight, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 1561 N.W. 82nd Avenue
City: Miami
State: FL 33126
Country: United States of America
License No.: NA.
Name Number: 007699

Acronym: Caribbean Atlantic Line
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 90 Broad Street
City: New York
State: NY 10004
Country: United States of America
License No.: NA.
Name Number: 005969

Acronym: Caribbean Bulk Lines, Inc.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 999 South Bayshore Drive, Tower 1, Suite 1405
City: Miami
State: FL 33131
Country: United States of America
License No.: NA.
Name Number: 002396

Acronym: Caribbean Container Lines, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: c/o North Star Airlines, Cargo Building 263
City: Jamaica
State: NY 11430
Country: United States of America
License No.: NA.
Name Number: 000706

Acronym: Caribbean Freight Service, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 14068
City: Charlotte
State: NC 28206
Country: United States of America
License No.: NA.
Name Number: 000708

Acronym: Caribbean Freight Systems, Inc.
DBA: NA.

Person type: Non-Vessel-Operating Common Carrier
Street: 2160 N.W. 66 Avenue
City: Miami
State: FL 33152
Country: United States of America
License No.: NA.
Name Number: 007694

Acronym: Caribtran, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 6800 N.W. 37th Court
City: Miami
State: FL 33147
Country: United States of America
License No.: NA.
Name Number: 005751

Acronym: Carimar Shipping LIne
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 8323 N.W. 66th Street
City: Miami
State: FL 33166
Country: United States of America
License No.: NA.
Name Number: 007700

Acronym: Carribean Shipping Services, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 5119 Church Avenue
City: Brooklyn
State: NY 11203
Country: United States of America
License No.: NA.
Name Number: 007698

Acronym: Celadon Shipping, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 888 Seventh Avenue
City: New York
State: NY 10106
Country: United States of America
License No.: NA.
Name Number: 002795

Acronym: Celtic Bulk Carriers
DBA: NA.
Person type: Foreign Joint Service—Consortium Agreement
Street: Merrion Hall Strand Road
City: Dublin 4
State:
Country: Ireland
License No.: NA.
Name Number: 000730

Acronym: Central America Transports Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: C/O Sel Madura (Florida) Inc. 1040 Port Boulevard
City: Miami
State: FL 33132
Country: United States of America
License No.: NA.
Name Number: 007028

Acronym: Central American Container Line
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 60469 AMF
City: Houston
State: TX 77205
Country: United States of America
License No.: NA.
Name Number: 007675

Acronym: China National Chartering Corporation
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: Er Li Gou Xi Jou
City: Beijing
State:
Country: People's Republic of China
License No.: NA.
Name Number: 006019

Acronym: CHT Ltd.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 880 Bergen Avenue
City: New Jersey
State: NJ 07306
Country: United States of America
License No.: NA.
Name Number: 007695

Acronym: Clipper Shipping Inc.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box N–7788
City: Nassau
State:
Country: Bahama Islands
License No.: NA.
Name Number: 007696

Acronym: CMA-USA
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 17 Battery Place
City: New York
State: NY 10004
Country: United States of America
License No.: NA.
Name Number: 007747

Acronym: Coastal & Overseas Shipping, Inc.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 11911 N.E. 1st Street
City: Bellevue
State: WA 98005
Country: United States of America
License No.: NA.
Name Number: 007662

Acronym: Colombian Maritime Transport, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: C/O Mille Hiller, P.O. Box 623
City: Linden
State: NJ 07036
Country: United States of America
License No.: NA.
Name Number: 007690

Acronym: Colsa Line
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: Place Du Champ De Mars, 5 Boite 36
City: B–1050 Brussels
State:
Country: Belgium
License No.: NA.
Name Number: 006028

Acronym: Com-Tainer Shipping Line, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 19 Rector Street—Suite 1905
City: New York
State: NY 10006
Country: United States of America
License No.: NA.
Name Number: 007668

Acronym: Combitrans (U.S.A.) Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: One World Trade Center—Suite 5347
City: New York
State: NY 10048
Country: United States of America
License No.: NA.
Name Number: 006206

Acronym: Concord Express (Shipping) Ltd.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: Flat E1, 3/fl., Hoi Bun Industrial Bldg., 6 Wing Yip Street
City: Kwun Tong, Kowloon
State:
Country: Hong Kong
License No.: NA.
Name Number: 006054

Acronym: Concorde Caribe Lines, Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 2150 N.W. 70th Avenue
City: Miami
State: FL 33122

Country: United States of America
License No.: NA.
Name Number: 000797

Acronym: Concorde/Nopal Line
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 2150 NW 70th Avenue
City: Miami
State: FL 33122
Country: United States of America
License No.: NA.
Name Number: 007720

Acronym: Confreight Marine Line Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 2700 Coyle Avenue
City: Elk Grove Village
State: IL 60007
Country: United States of America
License No.: NA.
Name Number: 007663

Acronym: Contàiner Marine Transport Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 50 Oak Street
City: east Rutherford
State: NJ 07073
Country: United States Of America
License No.: NA.
Name Number: 000814

Acronym: Container Marine Transport Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 340 South Stiles Street
City: Linden
State: NJ 07036
Country: United States Of America
License No.: NA.
Name Number: 007692

Acronym: Contranslink, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 61 Broadway—Suite 500
City: New York
State: NY 10006
Country: United States Of America
License No.: NA.
Name Number: 007691

Acronym: Contship Co., Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: P.O. Box 450998
City: Miami
State: FL 33145
Country: United States Of America
License No.: NA.
Name Number: 006228

Acronym: Conveyor Freight Co., Ltd
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: C/O John Y. Lau, 8635 Aviation Boulevard
City: Inglewood
State: CA 90301
Country: United States Of America
License No.: NA.
Name Number: 007670

Acronym: Convopal, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 1301 N.W. 78th Avenue
City: Miami
State: FL 33126
Country: United States Of America
License No.: NA.
Name Number: 007669

Acronym: Cosmo Sea Freight (USA) Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 147–35 183rd Street, Suite 201
City: Jamaica
State: NY 11413
Country: United States Of America
License No.: NA.
Name Number: 002239

Acronym: Cox Shipping Line, Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: South Caicos Island
City: Turks & Caicos Island, B.W.I.
State:
Country: Bahama Islands
License No.: NA.
Name Number: 00837

Acronym: Crown Overseas Forwarders
DBA: NA.
Person type: non-Vessel-Operating Common Carrier Household Goods Carrier
Street: 2070 Burroughs Avenue
City: San Leandro
State: CA 94577
Country: United States Of America
License No.: NA.
Name Number: 007415

Acronym: Cruise Cargo Company
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 1376 York Avenue, Suite 4c
City: New York
State: NY 10021
Country: United States Of America
License No.: NA.
Name Number: 007725

Acronym: CSL Container Lines Ltd.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 1102 Join-In Commercial Center 33 Lai Chi Kok Road, Monkok
City: Kowloon
State:
Country: Hong Kong
License No.: NA.
Name Number: 005987

Acronym: Cube Shipping & Warehousing Co. Ltd.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: Cunard Building, Water Street
City: Liverpool, L13 1 DS Merseyside (England)
State:
Country: Great Britain
License No.: NA.
Name Number: 005974

Acronym: D'Amico Mediterranean Pacific Line
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: Corso D'Italia, 35/B
City: Rome
State:
Country: Italy
License No.: NA.
Name Number: 000909

Acronym: D'Leo International Services Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 3111 W. Montrose
City: Chicago
State: IL 60618
Country: United States Of America
License No.: NA.
Name Number: 006078

Acronym: Damco Internationale Spedition GMBH
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: P.O. Box 101340
City: Hamburg 1
State:
Country: German Federal Republic (West)
License No.: NA.
Name Number: 005802

Acronym: Damco-Baltimore, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 32 South Street
City: Baltimore
State: MD 21202
Country: United States of America
License No.: NA.
Name Number: 007726

Acronym: Dansk Steamship Lines
DBA: NA.
Person type: non-Vessel-Operating Common Carrier

Street: 1 World Trade Center
City: Port of Sacramento, West Sacramento
State: CA 95691
Country: United States of America
License No.: NA.
Name Number: 000912

Acronym: Davothom Corporation S.A.
DBA: Caribrasil Line
Person type: Ocean Common Carrier (Vessel Operating)
Street: Edificio Tapia Ave. Justo Arusemena Y Calle 31 NO. 3–80
City: Panama 5
State:
Country: Republic of Panama
License No.: NA.
Name Number: 006229

Acronym: Delta Steamship Lines, Inc.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: Glenpointe Center East
City: Teaneck
State: NJ 07666
Country: United States of America
License No.: NA.
Name Number: 007742

Acronym: Demline Egypt
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 77, Sultan Hussein Street
City: Alexandria
State:
Country: Egypt
License No.: NA.
Name Number: 005831

Acronym: Deutsche Karibik Linie Thien & Heyenga Shiff.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 6, Raboisen
City: 2000 Hamburg 1
State:
Country: German Federal Republic (west)
License No.: NA.
Name Number: 005741

Acronym: Diamond M. International Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: Calle 151 CM No. 37
City: Carolina
State:
Country: United States of America
License No.: NA.
Name Number: 000933

Acronym: Dist. Naviera del Caribe C.A.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 301 Broadway, Suite 138
City: Riviera Beach
State: FL 33404
Country: United States of America
License No.: NA.
Name Number: 007749

Acronym: Domcon Express, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: P.O. Box 8849
City: Ponce, Puerto Rico
State:
Country: United States of America
License No.: NA.
Name Number: 006692

Acronym: Dominicana Shipping Company
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 1257 St. Nicholas Avenue
City: New York
State: NY 10032
Country: United States of America
License No.: NA.
Name Number: 000950

Acronym: Dynacross Liner Services, Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: C/O Gebr. van Weelde Scheepvaartkantoor, P.O. Box 1575
City: 3000 BN Rotterdam
State:
Country: The Netherlands, Holland
License No.: NA.
Name Number: 007144

Acronym: EAC Lines
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 22 Gate House Road
City: Stamford
State: CT 06902
Country: United States of America
License No.: NA.
Name Number: 007718

Acronym: Eastern Forwarding International, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: P.O. Box 161
City: Avenel
State: NJ 07001
Country: United States of America
License No.: NA.
Name Number: 007748

Acronym: ECH Cargo Services
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 645 E. 219th Street, Unit 6
City: Carson
State: CA 90745
Country: United States of America
License No.: NA.
Name Number: 006758

Acronym: Elite Shipping Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 2525 North loop west
City: Houston
State: TX 77008
Country: United States of America
License No.: NA.
Name Number: 007676

Acronym: Enterprise Shipping Corporation
DBA: Euro Pac Lines
Person type: Non-Vessel-Operating Common Carrier
Street: 49 Geary Street
City: San Francisco
State: CA 94102
Country: United States of America
License No.: NA.
Name Number: 006755

Acronym: Eur-A-Med Shipping, Ltd.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 2700 Azalea Drive
City: Charleston Heights
State: SC 29045
Country: United States of America
License No.: NA.
Name Number: 001247

Acronym: Euramer Consolidators Corp.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: Piso 7, Ofic. No. 7A
City: Caracas
State:
Country: Venezuela
License No.: NA.
Name Number: 001248

Acronym: Euro Scan Atlantic Line
DBA: E.S.A.L.
Person type: Ocean Common Carrier (Vessel Operating)
Street: Box 1533, S–401
City: 50 Goteborg
State:
Country: Sweden
License No.: NA.
Name Number: 00606

Acronym: Euromar
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: Calle Cathedral Nr. 1009, Room 1602
City: Santiago
State:
Country: Chile
License No.: NA.
Name Number: 006591

Acronym: Export-Import Serivce Co., Inc.

DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 28265 Beverly Road
City: Romulus
State: MI 48174
Country: United States of America
License No.: NA.
Name Number: 004417

Acronym: Faith International Cargo Services
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 4845 1/2 N. Damen
City: Chicago
State: IL 60625
Country: United States of America
License No.: NA.
Name Number: 006579

Acronym: Fak Container Lines, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 2–24 Sellers Street
City: Kearny
State: NJ 07032
Country: United States of America
License No.: NA.
Name Number: 007711

Acronym: Far East Express International Ltd.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 53 Park Place
City: New York
State: NY 10007
Country: United States of America
License No.: NA.
Name Number: 002850

Acronym: Far East Services, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 4214 Beverly Blvd., Suite 206
City: Los Angeles
State: CA 90004
Country: United States of America
License No.: NA.
Name Number: 006687

Acronym: First Maritime Company, Inc.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 7505 Waters Avenue, Suite C-8
City: Savannah
State: GA 31416
Country: United States of America
License No.: NA.
Name Number: 005731

Acronym: Flotamar Container Line, Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box 190
City: Grand Cayman, Cayman Islands B.W.I.
State:
Country: Bahama Islands
License No.: NA.
Name Number: 006987

Acronym: Four Star Cargo, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 7640 N.W. 63rd Street
City: Miami
State: FL 33166
Country: United States of America
License No.: NA.
Name Number: 005840

Acronym: Freight Expediters, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 6565 Eastland Rd.
City: Cleveland
State: OH 44142
Country: United States of America
License No.: NA.
Name Number: 000435

Acronym: Freight-Base Ocean
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 66479
City: Chicago
State: IL
Country: United States of America
License No.: NA.
Name Number: 006245

Acronym: G.&S. Shipping Co., Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 206–16 Hollis Avenue
City: Hollis Queen
State: NY 11428
Country: United States of America
License No.: NA.
Name Number: 006750

Acronym: G.A.A.C. Express Cargo
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 7646 De moss Street
City: Houston
State: TX 77036
Country: United States of America
License No.: NA.
Name Number: 006258

Acronym: Ganda Overseas Lines
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: P.O. box 2295
City: Los Angeles
State: CA 90051
Country: United States of America
License No.: NA.
Name Number: 005858

Acronym: Global Cargo and Travel Services, Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 14539 Blythe Street, unit B–1
City: Van Nuys
State: CA 91402
Country: United States of America
License No.: NA.
Name Number: 006608

Acronym: Global Marine, S.A.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: Avenida Prolongacion, Mexico 85
City: Santo Domingo
Country: Dominican Republic
License No.: NA.
Name Number: 006175

Acronym: Global Operations Line
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 465 California Street
City: San Francisco
State: CA 94104
Country: United States of America
License No.: NA.
Name Number: 005866

Acronym: Gordon's Shipping Co., Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 137–09 Eastgate Plaza
City: Springfield Garden, Queens
State: NY 11413
Country: United States of America
License No.: NA.
Name Number: 000474

Acronym: Great Republic Maritime Shipping Co., Ltd., the
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: C/O Robert C. McQuigg, P.O. Box 11474
City: Washington
State: DC 20008
Country: United States of America
License No.: NA.
Name Number: 007761

Acronym: Gulf Carib Lines Ltd.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: P.O. box 1500
City: Tampa
State: FL 33601
Country: United States of America
License No.: NA.
Name Number: 007710

Acronym: Gulfmarine, Inc.
DBA: NA.

Person type: Ocean Common Carrier (Vessel Operating)
Street: 2000 Post Oak Boulevard
City: Houston
State: TX 77056
Country: United States of America
License No.: NA.
Name Number: 006603

Acronym: Hakko Maritime Corporation
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: 6–13 Nishi-Shinbashi 1-Chome
City: Minatoku, Tokyo
State:
Country: Japan
License No.: NA.
Name Number: 007743

Acronym: Hercules Packing, Shipping & Moving Co., Inc.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 23–96 48th Street
City: Astoria
State: NY 11103
Country: United States of America
License No.: NA.
Name Number: 005847

Acronym: Holiday International Services
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 1757 Evangellista St. Bangkal
City: Makati, Metro Manila
State:
Country: Philippines
License No.: NA.
Name Number: 005809

Acronym: Hoshiko Line
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 128–A West Bay St.
City: Savannah
State: GA 31401
Country: United States of America
License No.: NA.
Name Number: 007449

Acronym: Hyonik Express Co., Ltd.
DBA: NA.
Person type: non-Vessel-Operating Common Carrier
Street: 51 Sogong-dong Rm 1903 new kal bldg
City: Chung-Ku, Seoul 100
State:
Country: Republic of Korea
License No.: NA.
Name Number: 005818

Acronym: I.M.S, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 4416 Wheeler Avenue
City: Alexandria
State: VA 22304
Country: United States of America
License No.: NA.
Name Number: 001316

Acronym: Incan Superior Limited Tariff
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: Suite 102, 105 South May Street
City: Thunder Bay, ON. (C) P7E 1B1
State:
Country: Canada
License No.: NA.
Name Number: 001328

Acronym: Indonesia Nusantara Corporation
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 8411 La Cieneoa Blvd.
City: Inglewood
State: CA 90301
Country: United States of America
License No.: NA.
Name Number: 002782

Acronym: Intercontinental Transport (ICT) B.V.
DBA: NA.
Person type: Ocean Common Carrier (Vessel Operating)
Street: Wilhelminakade 39, P.O. Box 545
City: 3000 AM Rotterdam
State:
Country: The Netherlands, Holland
License No.: NA.
Name Number: 002424

Acronym: Interlink Lines
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 90 West Street, Suite #1100
City: New York
State: NY 10006
Country: United States of America
License No.: NA.
Name Number: 007723

Acronym: Intermodal S.A.
DBA: NA.
Person type: Agent-Filing Ocean Common Carrier (Vessel Operating)
Street: 61 Broadway, Suite 2528
City: New York
State: NY 10006
Country: United States of America
License No.: NA.
Name Number: 005931

Acronym: International Distribution Systems (USA) Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 17 Battery Place
City: New York
State: NY 10004
Country: United States of America
License No.: NA.
Name Number: 002657

Acronym: International Export Packers, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 4607 Eisenhower Avenue
City: Alexandria
State: VA 22304
Country: United States of America
License No.: NA.
Name Number: 007426

Acronym: International Shipping Associates, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 90 Western Avenue
City: Allston
State: MA 02134
Country: United States of America
License No.: NA.
Name Number: 001371

Acronym: International Shipping Company
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 4201 Cathedral Avenue N.W. #1202 W
City: Washington
State: DC 20016
County: United States of America
License No.: NA.
Name Number: 005567

Acronym: Interocean Express Line, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 18383 Susana Road
City: Compton
State: CA 90221
County: United States of America
License No.: NA.
Name Number: 007717

Acronym: Interocean Marine
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 2250 Devon Avenue
City: Des Plaines
State: IL 60018
Country: United States of America
License No.: NA.
Name Number: 007772

Acronym: Interroll S.A.
DBA: NA.
Person type: Ocean Common Carrier (Vessel-Operating)
Street: 2021 Union Avenue
City: Montreal, Quebec H3A 2Y5
State:
Country: Canada
License No.: NA.

Name Number: 005905

Acronym: International Sea Transport Consolidators, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 691 85th Avenue
City: Oakland
State: CA 94621
Country: United States of America
License No.: NA.
Name Number: 007716

Acronym: Island Consolidation, Inc.
DBA: NA.
Person type: Non-Vessel-Operating Common Carrier
Street: 1025 17 St. W.
City: Riviera Beach
State: FL 33404
Country: United States of America
License No.: NA.
Name Number: 001381

Acronym: ITS Consolidators, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 100 Church Street, Suite 320
City: New York
State: NY 10007
Country: United States of America
License No.: NA.
Name Number: 007737

Acronym: Jadranska Slobodna Plovidba
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street:
City: Split
State:
Country: Yugoslavia
License No.: NA.
Name Number: 001401

Acronym: JC Express
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 5300 W. Century Blvd. Suite 409
City: Los Angeles
State: CA 90045
Country: United States of America
License No.: NA.
Name Number: 007746

Acronym: Jetstream Freight Services, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 145 Hook Creek Blvd
City: Valley Stream
State: NY 11581
Country: United States of America
License No.: NA.
Name Number: 005875

Acronym: Kamtel Express
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 2228 Livingston Street
City: Oakland
State: CA 94606
Country: United States of America
License No.: NA.
Name Number: 007729

Acronym: Keen International Cargo, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: One World Trade Center—Suite 1101
City: New York
State: NY 10048
Country: United States America
License No.: NA.
Name Number: 007722

Acronym: Kelso Shipping, Inc
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Western Plaza, Suite 70 10725 S. W. Barbur Blvd.
City: Portland
State: OR 97219
Country: United States of America
License No.: NA.
Name Number: 007730

Acronym: Kien Hung Shipping Co., Ltd. S.A.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 3rd Floor, No. 127–1, Sung Chiang Road
City: Taipei
State:
Country: People's Republic of China
License No.: NA.
Name Number: 005811

Acronym: Kinford Group, Inc., The
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 253 Chesterfield Road
City: Oakdale
State: CT 06370
Country: United States of America
License No.: NA.
Name Number: 005757

Acronym: Koam Forwarding, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 38 W. 32nd Street—Room 1007
City: New York
State: NY 10001
Country: United States of America
License No.: NA.
Name Number: 007750

Acronym: Kreitz Motor Express, Inc.
DBA: KMX International
Person Type: Non-Vessel-Operating Common Carrier
Street: 796 Fritztown Road P.O. Box 2152
City: Sinking Spring
State: PA 19608
Country: United States of America
License No.: NA.
Name Number: 005777

Acronym: L.K. Overseas Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 555 E. Ocean Blvd. #818
City: Long Beach
State: CA 90802
Country: United States of America
License No.: NA.
Name Number: 005911

Acronym: Landmark Union Limited
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Via Enrico Fermi 28 San Giorgio Di Nogaro
City: Udine
State
Country: Italy
License No.: NA.
Name Number: 001815

Acronym: Leaseway International Corp.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 61 Broad Avenue
City: Fairview
State: NJ 07022
Country: United States of America
License No.: NA.
Name Number: 001596

Acronym: Leman of America
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 2920 Wolff Street
City: Racine
State: WI 53404
Country: United States of America
License No.: NA.
Name Number: 007731

Acronym: Liberty Shipping Co., Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 796
City: Lakewood
State: CA 90714
Country: United States of America
License No.: NA.
Name Number: 006357

Acronym: Lignes Centrafricaines
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Krausstrasse 1–A
City: D–4100 Duisburg 13, West Germany
State:
Country: German Federal Republic (West)

License No.: NA.
Name Number: 001602

Acronym: Load Line, Inc.
DBA: NA.
Person Type: Agent—Filing Non-Vessel-Operating Common Carrier
Street: Route 4, Box 1
City: Beaumont
State: TX 77705
Country: United States of America
License No.: NA.
Name Number: 005812

Acronym: Loadstar Container Line
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 55 New Montgomery Street
City: San Francisco
State: CA 94105
Country: United States of America
License No.: NA.
Name Number: 007732

Acronym: M.L.S. Maritime Logistic Services SA
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: BD Perolles 1, P.O. Box 587
City: 1600 Fribourg
State:
Country: Switzerland
License No.: NA.
Name Number: 001632

Acronym: Marine Transport Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 182–16 149th Road
City: Jamaica
State: NY 11413
Country: United States of America
License No.: NA.
Name Number: 005954

Acronym: Maritime Bulk Carriers Inc.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 615 S.W. 2nd Avenue, Suite 207
City: Miami
State: FL 33130
Country: United States of America
License No.: NA.
Name Number: 001657

Acronym: Maritima Atlantica—Danoluz S.A.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Plaza Independencia 822, Officina 602
City: Montevideo
State:
Country: Uruguay
License No.: NA.
Name Number: 006359

Acronym: Maritime Export Services, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 21795
City: Baltimore
State: MD 21222
Country: United States of America
License No.: NA.
Name Number: 005976

Acronym: Marz International
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 8150 S.W. 8th Street
City: Miami
State: FL 33126
Country: United States of America
License No.: NA.
Name Number: 007744

Acronym: Matina Lines
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Frankrijklei 115
City: 2000 Anterp
State:
Country: Belgium
License No.: NA.
Name Number: 007713

Acronym: Mayaca Container Line
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 3741 N.W. 25th Street
City: Miami
State: FL 33142
Country: United States of America
License No.: NA.
Name Number: 005957

Acronym: Medas Int'l Moving & Shipping Corporation
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 803 Sterling Place
City: Brooklyn
State: NY
Country: United States of America
License No.: NA.
Name Number: 007733

Acronym: Medcon Ser.Schiffahrtsgesellschaft GMBH & Co.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Furbringerstrasse 22
City: 1000 Berlin 61
State:
Country: German Federal Republic (West)
License No.: NA.
Name Number: 007714

Acronym: Merit Container Express, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 2712
City: Trenton
State: NJ 08607
Country: United States of America
License No.: NA.
Name Number: 001707

Acronym: Milam Cargo, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 1364 NW 78TH Avenue
City: Miami
State: FL 33126
Country: United States of America
License No: NA.
Name Number: 005959

Acronym: Modular International Carriers, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 4761 N.W. 72nd Avenue
City: Miami
State: FL 33166
Country: United States of America
License No: NA.
Name Number: 005900

Acronym: Naviera Riomar, S.A. De C.V.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Paseo De La Reforma #199 17th Floor
City: Colonia Cuauhtemoc
State: 06500
Country: Mexico
License No: NA.
Name Number: 007759

Acronym: Navitalica, Societa Di Navigazione, S.R.L.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Via Cesarea No. 3–10
City: Genoa
State:
Country: Italy
License No: NA
Name Number: 006362

Acronym: Net Consol Service
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Room 810 Donga Mapo Bldg16–7 Dowhadong, Mapogu
City: Seoul, Korea
State:
Country: Republic of Korea
License No: NA.
Name Number: 006676

Acronym: Ocean Cargo Services
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 5726 La Mirada Avenue

City: Los Angeles
State: CA 90038
Country: United States of America
License No: NA.
Name Number: 006606

Acronym: Ocean/Air Freight Consolidators
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 521188
City: Miami
State: FL 33152
Country: United States of America
License No: NA.
Name Number: 006577

Acronym: Oceangate Container Line
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 11222 La Ciencea Blvd. Suite 470
City: Inglewood
State: CA 09304
Country: United States of America
License No: NA.
Name Number: 002789

Acronym: OCS/USA, Inc.
DBA: Orient Consolidation Service
Person Type: Non-Vessel-Operating Common Carrier
Street: 74 Trinity Place, Suite 610
City: New York
State: NY 10006
Country: United States of America
License No: NA.
Name Number: 006696

Acronym: Omega Ocean Line, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 1700 South Highland Avenue
City: Baltimore
State: MD 21224
Country: United States of America
License No: NA.
Name Number: 007724

Acronym: Oniedan Line Corp.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 1121 Lincoln Ave.
City: Holbrook
State: NY 11741
Country: United States of America
License No: NA.
Name Number: 001297

Acronym: OPL Line
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 4th Floor, Takeshin Bldg.
City: 11–10 Ginza 2–Chome
State:
Country: Japan
License No: NA.
Name Number: 007712.

Acronym: Overocean Transport Corporation
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Outlook Street
City: Stamford
State: CT 06902
Country: United States of America
License No: NA.
Name Number: 006207

Acronym: Pace Lines
DBA: P.A.C.E. Lines
Person Type: Non-Vessel-Operating Common Carrier
Street: 465 California St
City: San Francisco
State: CA 94101
Country: United States of America
License No: NA.
Name Number: 002456

Acronym: Pacific Cargo Line
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 7315 NW 79th Terrace
City: Miami
State: FL 33166
Country: United States of America
License No: NA.
Name Number: 007735

Acronym: Pacific Caribbean Shipping (U.S.A.) Inc.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 231 East Millbrae Avenue, Suite 219
City: Millbrae
State: CA 94030
Country: United States of America
License No.: NA.
Name Number: 007751

Acronym: Pacific Marine Transport, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 100 California Street, Suite 1060
City: San Francisco
State: CA 94111
Country: United States of America
License No.: NA.
Name Number: 007745

Acronym: Pacific Star Express Corp.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Room 907, 346, Sec. 3, Nanking East Road
City: Taipei
State:
Country: Taiwan
License No.: NA.
Name Number: 006329

Acronym: Pacline Pacific Shipping Ltd.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Achilles House, 2nd Floor, CNR Customs and Commerce Streets
City: Auckland, New Zealand
State:
Country: New Zealand
License No.: NA.
Name Number: 006731

Acronym: Palm Beach International Shipping Corp.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 251-A Royal Palm Way, 3rd Floor
City: Palm Beach
State: FL 33480
Country: United States of America
License No.: NA.
Name Number: 007734

Acronym: Pan Africa Shipping Corporation (USA)
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 4500 Bissonnet, Suite 340
City: Bellaire
State: TX 77401
Country: United States of America
License No.: NA.
Name Number: 007715

Acronym: Pan Caribbean Freightliners, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 2780 SW Douglas Road
City: Miami
State: FL 33133
Country: United States of America
License No.: NA.
Name Number: 007709

Acronym: Panamarcaribe, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 44–1404
City: Miami
State: FL 33144
Country: United States of America
License No.: NA.
Name Number: 007708

Acronym: Panatlantic CCS, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 74 Broad Street
City: New York
State: NY 10004
Country: United States of America
License No.: NA.
Name Number: 007740

Acronym: R.E. Rogers, Inc.
DBA: NA.

Person Type: Non-Vessel-Operating Common Carrier
Street: 17 Battery Place—Suite 1629
City: New York
State: NY 10004
Country: United States of America
License No.: NA.
Name Number: 000878

Acronym: Rahming Shipping, Ltd.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Lowe Sound
City: Andros Bahamas
State:
Country: Bahama Islands
License No.: NA.
Name Number: 005819

Acronym: Reefer Express Lines, Ltd.
DBA: Great Circle Lines, Ltd.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 5 Becker Farm Road
City: Roseland
State: NJ 07068
Country: United States of America
License No.: NA.
Name Number: 000864

Acronym: Republic Marine Lines Inc.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 1300 Market Street
City: Wilmington
State: DE 19801
Country: United States of America
License No.: NA.
Name Number: 007739

Acronym: Rical Ocean Forwarding Co., Ltd.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Flat 8, Newport Centre 21F, 116 Ma Taukok Rd.
City: Tokwawan, Kowloon
State:
Country: Hong Kong
License No.: NA.
Name Number: 002848

Acronym: RJ International Freight Services
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 803 A Linden Avenue
City: San Francisco
State: CA 94080
Country: United States of America
License No.: NA.
Name Number: 006671

Acronym: S.F. Enterprises
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 265 Cabrillo Avenue
City: Vallejo
State: CA 94591
Country: United States of America
License No.: NA.
Name Number: 007758

Acronym: Salen Dry Cargo AB
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Norrlandsgatan 15
City: S–106 09 Stockholm
State:
Country: Sweden
License No.: NA.
Name Number: 007741

Acronym: Sam Jung Shipping Los Angeles, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 1070 East Dominguez St., Suite B
City: Carson
State: CA 90746
Country: United States of America
License No.: NA.
Name Number: 001056

Acronym: Sam Jung Shipping USA Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 17 Battery Place Room 1443
City: New York
State: NY 10004
Country: United States of America
License No.: NA.
Name Number: 001057

Acronym: Samba Caribe Line, S.A.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box 6719
City: Panama 5
Country: Republic of Panama
License No.: NA.
Name Number: 006025

Acronym: Scindia Container Line, S.A.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 20 Stone Street
City: New York
State: NY 10004
Country: United States of America
License No.: NA.
Name Number: 005991

Acronym: Sea—Bridge Express, Inc.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: R.W. Murphy, P.O. Box 877,
City: Westfield
State: NJ 07091
Country: United States of America
License No.: NA.
Name Number: 007721

Acronym: Sea Trade Shipping
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 1401 N.W. 78th Avenue
City: Miami
State: FL 33126
Country: United States of America
License No.: NA.
Name Number: 006086

Acronym: Sea-Bridge International, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 600 Richmond Terrace
City: Staten Island
State: NY 10301
Country: United States of America
License No.: NA.
Name Number: 006729

Acronym: Seabreeze Steamship Ltd.
DBA: Family Island Line
Person Type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box 105
City: Georgetown, Grand Cayman
State:
Country: Bahama Islands
License No.: NA.
Name Number: 002805

Acronym: Seacorp Shipping, Ltd
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 1001 N. American Way, Room 102
City: Miami
State: FL 33132
Country: United States of America
License No.: NA.
Name Number: 007736

Acronym: Seagate Line, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: J.G. Kim, Issuing Officer, 215 Long Beach Blvd., Suite 408,
City: Long Beach,
State: CA 90802
Country: United States of America
License No.: NA.
Name Number: 007738

Acronym: Sealine Shipping Company
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Medawar Avenue Charles Helou
City: IMM Sehnaoul, Beruit
State:
Country: Lebanon
License No.: NA.
Name Number: 001112

Acronym: Seaonic Mccante Shipping Co.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier

Street: 1032 Winthrop Street
City: Brooklyn
State: NY 11211
Country: United States of America
License No.: NA.
Name Number: 006224

Acronym: Seko Ocean Forwarding, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 3839 North Willow
City: Shiller Park
State: IL 60176
Country: United States of America
License No.: NA.
Name Number: 002846

Acronym: Sesko International, Inc.
DBA: NA.
Person Type: Ocean Freight Forwarder (Independent) Non-Vessel-Operating Common Carrier
Street: 4715 N.W. 72nd Ave
City: Miami
State: FL 33166
Country: United States of America
License No.: 1171
Name Number: 001132

Acronym: Sino-Piff International Freight Ltd.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 267–275 Des Voeux Road, RM. 1201 Loon Kee Bld
City: Central
State:
Country: Hong Kong
License No.: NA.
Name Number: 006005

Acronym: Skyway Systems
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 1334 Brommer Street, P.O. Box 1810
City: Santa Cruz
State: CA 95061
Country: United States of America
License No.: NA.
Name Number: 005993

Acronym: Smith's Transfer Corporation
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 1000
City: Staunton
State: VA 24401
Country: United States of America
License No.: NA.
Name Number: 002784

Acronym: Societe General D'Armement Et De Navigation
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 16, Rue Washington
City: Paris
State: 75008
Country: France
License No.: NA.
Name Number: 007755

Acronym: Sonthel International Cargo Services, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 4553 Santa Monica Blvd
City: Los Angeles
State: CA 90029
Country: United States of America
License No.: NA.
Name Number: 006221

Acronym: Sonymont Shipping
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 1811 W. Katella, Suite 231
City: Anaheim
State: CA 92804
Country: United States of America
License No.: NA.
Name Number: 006368

Acronym: Square Deal Shippers
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 925 Utica Avenue
City: Brooklyn
State: NY 11203
Country: United States of America
License No.: NA.
Name Number: 007677

Acronym: Stalker Enterprises, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 10320 Little Patuxent Parkway, Equitable Bank Center,
City: Columbia,
State: MD 21044
Country: United States of America
License No.: NA.
Name Number: 001177

Acronym: Steebo B.V.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Rollostraat 55
City: 3084 Pl Rotterdam
State:
Country: The Netherlands, Holland
License No.: NA.
Name Number: 001189

Acronym: Sunjin Shipping Company, Ltd.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 217 Broadway, Suite 412
City: New York
State: NY 10007
Country: United States of America
License No.: NA.
Name Number: 001202

Acronym: Superior B and C, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 555 Dowd Avenue
City: Elizabeth
State: NJ 07201
Country: United States of America
License No.: NA.
Name Number: 006103

Acronym: Tagship Sales International, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 350627
City: Fort Lauderdale
State: FL 33335
Country: United States of America
License No.: NA.
Name Number: 006371

Acronym: Tasman Jebsen New Zealand Line
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 9th FL., Air New Zealand House, 1 Queen Street, P.O. Box 3917,
City: Auckland, New Zealand
State:
Country: New Zealand
License No.: NA.
Name Number: 007058

Acronym: TCI Carriers Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 14 West Main Street
City: Oyster Bay
State: NY 11771
Country: United States of America
License No.: NA.
Name Number: 000510

Acronym: Tem Fresh Exxpress
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 655 Montgomery Street
City: San Francisco
State: CA 94111
Country: United States of America
License No.: NA.
Name Number: 005797

Acronym: Texas Antilles Shipping Corp, Inc.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box 1584
City: La Porte
State: TX 77571
Country: United States of America
License No.: NA.

Name Number: 997754

Acronym: Thermotank, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 2001 San Sebastian
City: Houston
State: TX 77058
Country: United States of America
License No.: NA.
Name Number: 006372

Acronym: Todd Logistics, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 30 Pulaski Street
City: Bayonne
State: NJ 07002
Country: United States of America
License No.: NA.
Name Number: 007753

Acronym: Todman Express Lines, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 14802 N. Dale Mabry, Suite 333
City: Tampa
State: FL 33624
Country: United States of America
License No.: NA.
Name Number: 006714

Acronym: Topman Express Lines, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Atlantic Shipping Agencies Ltd., 14802 N. Dale Mabry, Suite 333
City: Tampa
State: FL 33624
Country: United States of America
License No.: NA.
Name Number: 007760

Acronym: Total Transportation Corporation
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 429 Moon Clinton Rd
City: Corapolis
State: PA 15108
Country: United States of America
License No.: NA.
Name Number: 005488

Acronym: Trans-Med Lines
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: C/O Oste, 1146 Hemoor
City: Beirut
State:
Country: Lebanon
License No.: NA.
Name Number: 007757

Acronym: Trans-Modal, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 1121 North Tower Lane
City: Bensenville
State: IL 60106
Country: United States of America
License No.: NA.
Name Number: 007782

Acronym: Trans-Oceanica Paraguaya S.R.L.
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Calle TTE V. Kannonikoff 998
City: Ascuncion
State:
Country: Paraguay
License No.: NA.
Name Number: 005785

Acronym: Trans-Orient Express, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 149–10, 183 Street
City: Jamaica
State: NY 11413
Country: United States of America
License No.: NA.
Name Number: 00596

Acronym: Transamerican Ocean Contractors, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 22 Gate House Road
City: Stamford
State: CT 06902
Country: United States of America
License No.: NA.
Name Number: 006712

Acronym: Transamerican Steamship Corporation
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: 22 Gate House Road
City: Stamford
State: CT 06902
Country: United States of America
License No.: NA.
Name Number: 007770

Acronym: Transglobal Lines Ltd.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 6 Caledonia Place
City: St. Helier, Jersey
State: NJ
Country: United States of America
License No.: NA.
Name Number: 006171

Acronym: Transhansa Projects, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 21 West Street—Suite 2306
City: New York
State: NY 10006
Country: United States of America
License No.: NA.
Name Number: 007756

Acronym: Translog, S.A.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 15 Ave Des Alpes
City: CH–1211 Geneva 1
State:
Country: Switzerland
License No.: NA.
Name Number: 000585

Acronym: Transmar
DBA: Transmar
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Suite 200 3750 N.W. 28th Street
City: Miami
State: FL 33142
Country: United States of America
License No.: NA.
Name Number: 006819

Acronym: Transportacion Maritima Y Fluvial, S.A. DE CV
DBA: Mayan Line
Person Type: Ocean Common Carrier (Vessel Operating)
Street: Moras 850, Col. Del Valle
City: C.P. 03100, Mexico, D.F.
State:
Country: Mexico
License No.: NA.
Name Number: 006607

Acronym: Transrose Marine Corporation
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 39 Broadway Room 1801
City: New York
State: NY 10006
Country: United States of America
License No.: NA.
Name Number: 007752

Acronym: Tri-State International
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 3910 E. Coronado Street, # 202
City: Anaheim
State: CA 92807
Country: United States of America
License No.: NA.
Name Number: 006237

Acronym: Trinamco International, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 6595 N.W. 36th Street, Suite 103
City: Miami
State: FL 33166
Country: United States of America
License No.: NA.
Name Number: 002778

Acronym: Triport International Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 822 Broadway
City: Bayonne
State: NJ 07002
Country: United States of America
License No.: NA.
Name Number: 005789

Acronym: Twin Express Trailer Corporation
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Bldg. 2141 (MIAD) Miami Int'l Airport
City: Miami
State: FL 33148
Country: United States of America
License No.: NA.
Name Number: 007769

Acronym: Unimodal Container Line
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Phoenix House, New Road
City: Rainham Essex RM13 8RJ
State:
Country: Great Britain
License No.: NA.
Name Number: 006153

Acronym: Union Internacional De Vapores, S.A.
DBA: Univsa Lines.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box 172A—7A. Avenida 5–10 Zona 4
City: Guatemala
State:
Country: Guatemala
License No.: NA.
Name Number: 006155

Acronym: United American Tank Container, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier Ocean Freight Forwarder (Independent)
Street: P.O. Box 837
City: Fulton Beach
State: TX 78358
Country: United States of America
License No.: 2510
Name Number: 005405

Acronym: United Cargo Corporation
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 45 Rockefeller Plaza
City: New York
State: NY 10020
Country: United States of America
License No.: NA.
Name Number: 001754

Acronym: Universal Express
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 3530 Wilshire Blvd., Suite 100–0
City: Los Angeles
State: CA 90010
Country: United States of America
License No.: NA.
Name Number: 006674

Acronym: Valley Freight Systems, Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 925 Market Street
City: Patterson
State: NJ 07513
Country: United States of America
License No.: NA.
Name Number: 006701

Acronym: Ventana Inc
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 36-50 31st Street
City: Long Island City
State: NY 11106
Country: United States of America
License No.: NA.
Name Number: 000011

Acronym: Victory International Transport
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: Building No. 62, Office No. 8
City: Port Everglades Station, Ft. Lauderdale
State: FL 33316
Country: United States of America
License No: NA.
Name Number: 000014

Acronym: VNV Filserv
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 15825 Greenworth Drive
City: La Mirada
State: CA 90638
Country: United States of America
License No: NA.
Name Number: 006374

Acronym: Webster Container Line
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 5420 W. 104th Street
City: Los Angeles
State: CA 90045
Country: United States of America
License No: NA.
Name Number: 007771

Acronym: Weltrans International Corp.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 6F, No. 73, Fu Hsin N. Rd.
City: Taipei, Taiwan
State:
Country: Taiwan
License No: NA.
Name Number: 006293

Acronym: West Gulf Services
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 41173
City: Houston
State: TX 77241
Country: United States of America
License No: NA.
Name Number: 002842

Acronym: Westchase Transportation Group, Inc.
DBA: Westchase Transportation Group, Inc..
Person Type: Non-Vessel-Operating Common Carrier
Street: 9800 Richmond, Suite 366
City: Houston
State: TX 77042
Country: United States of America
License No: NA.
Name Number: 001763

Acronym: World Cargo Services (WCS)
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: P.O. Box 68668
City: Seattle
State: WA 98168
Country: United States of America
License No: NA.
Name Number: 002217

Acronym: World Express Lines, Inc.
DBA: NA.
Person Type: Ocean Freight Forwarder (Independent) Non-Vessel-Operating Common Carrier
Street: 1755 West Walnut Pkwy
City: Compton
State: CA 90220
Country: United States of America
License No: 2670
Name Number: 005538

Acronym: World Trade Shipping Corporation
DBA: NA.
Person Type: Ocean Common Carrier (Vessel Operating)
Street: P.O. Box 88
City: Oyster Bay
State: NY 11771
Country: United States of America
License No: NA.
Name Number: 000121

Acronym: World Transportation Services, Inc., Agent
DBA: NA.
Person Type: Agent—Rules Tariff
Street: 1331 H Street, N.W.
City: Washington

State: DC 20005
Country: United States of America
License No: NA.
Name Number: 001803

Acronym: Worldline Shipping Co. (USA). Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: C/O Barry Brenno, 10777 Northwest Freeway
City: Houston
State: TX 77092
Country: United States of America
License No: NA.
Name Number: 007678

Acronym: Worldwide Shipping Co. (USA), Inc.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 10777 Northwest Freeway, Suite 500 P.O. Box 53180
City: Houston
State: TX 77052
Country: United States of America
License No: NA.
Name Number: 006697

Acronym: Wyllie's Worldwide Shipping Corp.
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 431 Rutland Road
City: Brooklyn
State: NY 11203
Country: United States of America
License No: NA.
Name Number: 000132

Acronym: YSH International
DBA: NA.
Person Type: Non-Vessel-Operating Common Carrier
Street: 5440 Pomona Blvd.
City: Los Angeles
State: CA 90022
Country: United States of America
License No: NA.
Name Number: 006331

[FR Doc. 88-11337 Filed 5-19-88; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 3, 1988.

A. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Employee Stock Ownership Trust for Ameritex Bancshares Corporation*, Bedford, Texas; to acquire 17.43 percent of the voting shares of Ameritex Bancshares Corporation, Bedford, Texas, and thereby indirectly acquire Riverbend National Bank, Fort Worth, Texas; American Bank of Commerce, Grapevine, Texas; and Haltom City State Bank, Fort Worth, Texas.

2. *Jerry L. Pipes*, Crockett, Texas, and Steven M. Pipes, Dallas, Texas; to each acquire 25.14 percent of the voting shares of Crockett Bancshares, Inc., Crockett, Texas, and thereby indirectly acquire The Crockett State Bank, Crockett, Texas.

Board of Governors of the Federal Reserve System, May 13, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-11318 Filed 5-19-88; 8:45 am]
BILLING CODE 6210-01-M

Heritage Bancorp, Inc. et al; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 10, 1988.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Heritage Bancorp, Inc.*, Northampton, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Heritage-NIS Bank for Savings, Northampton, Massachusetts.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Gwinnett Investors, Joint Venture*, Atlanta, Georgia; to become a bank holding company by acquiring 50 percent of the voting shares of Investors Trust Financial Corporation, Duluth, Georgia, and thereby indirectly acquire Investors Bank and Trust, Duluth, Georgia.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Ashton Bancshares, Inc.*, Ashton, Iowa; to become a bank holding company by acquiring Ashton State Bank, Ashton, Iowa. Comments on this application must be received by June 9, 1988.

Board of Governors of the Federal Reserve System, May 13, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-11319 Filed 5-19-88; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 22, 1988.

Health Care Financing Administration

(Call Reports Clearance Officer on 301–594–1238 for copies of package)

1. End Stage Renal Disease Transplant Information—0938–0064 This form is completed by all Medicare approved ESRD transplant facilities upon completion of a kidney transplant. Reports are used to prepare annual "ESRD Patient profile Tables," which show demographic characteristics of living and dead transplant recipients. Respondents: Businesses or other for-profit, Non-profit institutions. Number of Respondents: 199; Frequency of Response: Occasionally; Estimated Annual Burden: 6,866 hours.

2. Identification of Extension Units of OPT/OSP Providers—0938–0273—This form is needed to ensure that each location of OPT/OSP providers at which services are rendered are identified. These premises are considered to be part of the OPT/OSP and are subject to the same certification policy as the primary site. Respondents: Businesses or other for-profit, Non-profit institutions, Small businesses or organizations. Number of Respondents: 400; Frequency of Response: Occasionally; Estimated Annual Burden: 100 hours.

3. Request for Federal Assistance—0938–0078—The PG–11 is used to request support under HCFA's funding priorities. Applications are submitted by private or public non-profit agencies or organizations including State agencies that administer the medicaid program. Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations. Number of Respondents: 250; Frequency of Response: Occasionally; Estimated Annual Burden: 15,000 hours.

4. Hospice Request for Certification in the Medicare Program—0938–0313—This form is used by hospice facilities applying for entrance into the Medicare Program. It is used by State agency surveyors as a screening device to ensure that facilities meet preliminary requirements. Respondents: State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations. Number of Respondents: 500; Frequency of Response: Annually; Estimated Annual Burden: 125 hours.

5. Municipal Health Service Cost Report Form—0938–0155—In order to determine the cost of the clinical services provided, it is necessary to determine the direct and indirect costs incurred by the participating clinics for the ancillary cost centers. The HCFA 255 is used to report the cost. Respondents: State or local governments. Number of Respondents: 15; Frequency of Response: Annually; Estimated Annual Burden: 90 hours.

6. Information Collection Requirements contained at 42 CFR 405.2112, 405.2123, 405.2136, 405.2137, 405.2138, 405.2139, 405.2140, and 405.2171—0938–0386—These requirements are needed to encourage proper distribution and effective utilization of ESRD treatment sources while maintaining and improving the efficient delivery of care by physicians and facilities. Respondents: Businesses or other for-profit, Small businesses or organizations. Number of Respondents: 1,700; Frequency of Response: Annually; Estimated Annual Burden: 69,681 hours.

7. Information Collection Requirements for CORF's contained in 42 CFR 485.56, 485.60, 485.64, 485.66, and 405.262—NEW—In order to participate in Medicare/Medicaid as a CORF provider of services, providers must be in compliance with the standards for coverage set forth in regulations. Respondents: State or local governments. Number of Respondents: 162; Frequency of Response: Occasionally; Estimated Annual Burden: 77,014 hours.

OMB Desk Officer: Allison Herron

Office of Human Development Services

(Call Reports Clearance Officer on 202–472–4415 for copies of package)

1. Section 427(a)(2)(A) of Title IV–B of Social Security Act—0980–0138—Section 427 of the SSA provides incentive payments to the States which meets specified protections. States must implement and operate a statewide information system from which the status, demographic characteristics, location, and goals for the placement of every child in foster care. Respondents: State or local governments. Number of Respondents: 51; Frequency of Response: 1; Estimated Annual Burden: 102,000 hours.

OMB Desk Officer: Shannah Koss-McCallum

Social Security Administration

(Call Reports Clearance Officer on 301–965–4149 for copies of package)

1. Psychiatric Review Technique—0960–0413—The information collected by use of this form is needed to identify possible additional sources for evidence necessary to determine severity of the impairment and to evaluate all aspects of the impairment. Respondents: State or local governments. Number of Respondents: 54; Frequency of Response: 9,407; Estimated Annual Burden: 127,000 hours.

OMB Desk Officer: Shannah Koss-McCallum

Family Support Administration

(Call Reports Clearance Officer on 202–245–0652 for copies of package)

1. Quarterly WIN Demonstration Projects Reports—NEW—These data are used to compare the effectiveness of the WIN Demos to the former WIN Programs in the 29 States that have elected this program. The Act requires evaluations that compare each State's current and former job entry data. Respondents: State or local governments. Number of Respondents: 29; Frequency of Response: Quarterly; Estimated Annual Burden: 1,740 hours.

OMB Desk Officer: Shannah Koss-McCallum

Public Health Services

(Call Reports Clearance Officer on 202–245–2100 for copies of package)

Centers for Disease Control

1. Survey of Visits to Hospital Outpatient and Emergency Departments—NEW—The purpose of this project is to develop the design for a National survey of patient visits to hospital outpatient and emergency departments. The resulting design will be tested and evaluated through actual data collection. Results will be used to implement a National survey of hospital ambulatory services in the future. This request is for a concept clearance. Respondents: Business or other for-profit, Non-profit institutions, Small businesses or organizations. Number of Respondents: 1; Frequency of Response: Occasionally; Estimated Annual Burden: 1 hour.

2. Reproductive Study of Women who work with Video Display Terminals—0920–0188—This study concerns the potential reproductive health effects of working with Video display terminals (VDT). The study population consists of a cohort of married women who use VDT's full-time at work and a group who do not and are employed at three communications companies in eight southern States. The objective of the study is to determine whether VDT's are related to an increased risk of adverse reprodutive outcomes. Respondents: Individuals or households. Number of Respondents: 1,650; Frequency of Response: One-time; Estimated Annual Burden: 825 hours.

3. Coalworker's Pneumoconiosis in Underground Coalminers—0920–0016—This study evaluates the effectiveness of dose standards on retarding the rates of progression of coal worker's pneumoconiosis and other respiratory

ailments associated with coal mining. This study helps to identify miners who are developing respiratory disease at early stages and guides the miner and his physician to take steps to prevent pneumoconiosis from becoming disabling. Respondents: Individuals or households. Number of Respondents: 1,500; Frequency of Response: 1; Estimated Annual Burden: 875 hours.

Alcohol, Drug Abuse, and Mental Health Administration

1. Evaluation of the Utility of the National Reporting Program Data for Local Facilities—NEW—This project is a formative evaluation of the format and content of feedback reports to local mental health organizations designed to permit than to compare their own facility data on variables reported in the 1986 Inventory of Mental Health Organizations and General Hospital Mental Services, with State and National norms. Respondents: State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations. Number of Respondents: 216; Frequency of Response: 1; Estimated Annual Burden: 142 hours.

2. Surveillance of Needle Sharing Behavior—Pilot Study–NEW–One hundred intravenous drug users in each of 5 cities will be interviewed to determine frequency and intensity of needle sharing, and to determine the prevalence of putative risk factors for needle sharing behavior. The information will be used to develop a mathematical model regarding the impact of these behaviors on the spread of AIDS. Respondents: Individuals or households. Number of Respondents: 500; Frequency of Response: One-time; Estimated Annual Burden: 500 hours.

3. Inventory of Mental Health Organizations and General Hospital Mental Health Services—0930–0119—The Inventory of Mental Health Organizations and General Hospital Mental Health Services will provide information to update longitudinal data bases for the United States and each State, to support ongoing research, and to provide an universe of organizations for organization-based sample patient surveys. The data are used to study trends in utilization, staffing, and financial characteristics of mental health organizations and to support intramural and extramural research. Respondents: State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations. Number of Respondents: 7,216; Frequency of Response: One-time; Estimated Annual Burden: 3,164 hours.

Food and Drug Administration

1. Survey of Consumer Food-Handling Practices and Awareness of Microbiological Hazards—NEW—Feedback is needed about consumer's knowledge of food hygiene design education programs for consumers, food industry and the media. Information on safe handling of new products and protecting against emerging pathogens must be disseminated or consumer misuse will nullify hygiene efforts by industry and regulatory agencies. Respondents: 0; Frequency of Response: One-time; Estimated Annual Burder: 1 hour.

2. Cosmetic Risk Assessment: Exposure Survey—NEW—A data base is needed on cosmetic usage practices in the United States that can be used by Agency scientists to conduct scientific risk assessments of the possible health effects due to ingredients or contaminants in cosmetic products. Survey information will be used for constructing exposure estimates. Respondents: Individuals or households. Number of Respondents: 1; Frequency of Response: One-time; Estimated Annual Burden: 1 hour.

Health Resources Services Administration

1. Grants for Hospital Construction and Modernization—Federal Right of Recovery and Waiver of Recovery (42 CFR Part 124, Subpart H)—0915–0099—Provides a means for the Federal Government to recover grant funds when a grant-assisted hospital is sold or leased, or there is a change of use of the facility a method of calculating interest, and a waiver of the right of recovery under certain circumstances. Respondents: State or local governments, Businesses or other for-profit, Non-profit institutions. Number of Respondents: 30; Frequency of Response: Occasionally; Estimated Annual Burden: 60 hours.

National Institutes of Health

1. Basic OCC Audience Definition Survey (National Health Psychographic Study)—NEW—A National probability sample of 1600 households will be surveyed for a psychographic segmentation of the general public, providing a unique approach for use in developing OCC programs. A combination of telephone and mail questionnaires will be used to measure health knowledge and beliefs and emotional issues associated with health and cancer. Respondents: Individuals or households. Number of Respondents: 1,972; Frequency of Response: One-time; Estimated Annual Burden: 1,223 hours.

2. Application of the Critical Incident Technique to Study Health Professionals' Use of MEDLINE and MEDLINE-derived Information—NEW—NLM will apply the Critical Incident Technique to obtain factual accounts of outcomes associated with the use of NLM's MEDLINE system by individuals engaged in the professional practice of medicine. This study will contribute substantially to the NLM's development of responsive, computer-based information systems designed to meet the health-care needs of the Nation. Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations. Number of Respondents: 500; Frequency of Response: Single-time; Estimated Annual Burden: 250 hours.

3. Smoking Prevention Among Black Youth—NEW—The Life Skills Training program will be tested using 4500 black adolescents. The program is designed to help prevent smoking in children and therefore could prove useful to the NCI's National Cancer Prevention and Control Program which is designed to help reduce mortality from cancer and to reduce the discrepancy in the rate of cancer between the white and the black populations. Respondents: Individuals or households. Number of Respondents: 4,365; Frequency of Response: Single-time; Estimated Annual Burden: 4,212 hours.

OMB DESK OFFICER: Shannah Koss-McCallum

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS: 202–245–2100
HCFA: 301–594–1238
OHDS: 202–472–4415
FSA: 202–245–0652
SSA: 301–965–4149

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503

ATTN: (name of OMB Desk Officer)

Date: May 16, 1988.

James F. Trickett,

Deputy Assistant Secretary, Administrative and Management Services.

[FR Doc. 88-11338 Filed 5-19-88; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Ophthalmic Devices Panel

Date, time, and place: June 20 and 21, 1988, 9 a.m., Auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person: Open public hearing, June 20, 1988, 9 a.m. to 10 a.m., open committee discussion, 10 a.m. to 3 p.m.; closed comittee deliberations, 3 p.m. to 4 p.m.; open committee discussion, 4 p.m. 5 p.m.; open public hearing, June 21, 1988, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 4 p.m.; open committee discussion, 4 p.m. to 5 p.m.; Daniel W. C. Brown, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7320.

General function of committee: The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety, effectiveness, and suitability for marketing.

Agneda—Open public hearing: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before June 2, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion: On June 20, 1988, the committee will discuss general issues relating to approvals of premarket approval applications (PMA's) for Nd:YAG lasers, intraocular lenses (IOL's), and other class III surgical or diagnostic devices; the committee may discuss specific PMA's of these devices. If discussion of all pertinent Nd:Yag laser, IOL, or other class III surgical or diagnostic device issues are not completed, discussion will be continued the following day. On June 21, 1988, the committee will discuss PMA's for contact lenses and other devices, and requirements or PMA approval.

Closed committee deliberations: On June 20 and 21, 1988, the committee may discuss trade secret and/or confidential commercial or financial information relevant to PMA's for IOL's Nd:YAG lasers, contact lenses, or other ophthalmic devices. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

General and Plastic Surgery Devices Panel

Date, time, and place: June 24, 1988, 8 a.m., Rm. 703-727A, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person : Open public hearing, 8 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4 p.m.; closed committee deliberations, 4 p.m. to 5 p.m.; Paul F. Tilton, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7238.

General function of the committee: The committee reviews and evaluates available data on the safety and effectiveness of the devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before June 3, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion: The committee will discusss premarket approval applications (PMA's) for a collagen device for temporary embolization and a polypropylene suture. The committee may discuss a PMA for a biosynthetic temporary skin substitute and a nylon suture.

Closed committee deliberations: The committee may review and discuss trade secret information regarding the manufacture of a collagen embolization device, a polypropylene suture, or a biosynthetic temporary skin substitute. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be

allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under sections 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: May 12, 1988.

John A. Norris,

Acting Commissioner for Food and Drugs.

[FR Doc. 88–11381 Filed 5–19–88; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

Availability of Grants for Minority AIDS Education/Prevention Demonstration Projects

AGENCY: Office of Minority Health/ Office of Assistant Secretary for Health, PHS, DHHS.

ACTION: Notice of availability of funds and request for applications under the Office of Minority Health's Program of Grants for Minority AIDS Education/ Prevention Projects.

SUMMARY: The Office of Minority Health announces the availability of grants to provide support to minority community-based organizations and national minority organizations. These grants will be awarded for projects that demonstrate effective minority-targeted education and prevention strategies, to prevent infection with human immunodeficiency virus (HIV), the virus that causes Acquired Immune Deficiency Syndrome (AIDS).

Background

AIDS is characterized by a defect in natural immunity—the body's ability to defend itself against disease. People with AIDS are vulnerable to serious illnesses that rarely cause health problems in people with normal immunity. In general, these illnesses cause significant disability and premature death. The characteristic features of AIDS include "opportunistic" infections (such as *Pneumocystis carinii* pneumonia), cancer (such as Kaposi's sarcoma) and nervous system disease.

The interval between initial HIV infection and the presence of symptoms and signs that characterize AIDS is long and variable. This period ranges from several months to seven years or longer. It is not known whether, given sufficient time, everyone infected with the HIV will eventually develop AIDS. Thus, infection with HIV results in a spectrum of disease. At one end of the spectrum are people infected with HIV who look and feel perfectly healthy. At the opposite end are people with AIDS. Between these two extremes, HIV-infected people may develop illnesses that range from mild to extremely serious. AIDS-related complex (ARC) is a designation that has been created to describe a set of signs and symptoms that do not meet the Centers for Disease Control definition for AIDS. In general, the signs and symptoms that characterize ARC are not as serious as those for AIDS, however ARC may also cause significant illness and premature death. It is important to note that a person who is infected with HIV, even while feeling healthy, may unknowingly infect others.

HIV is transmitted in a number of ways—through homosexual or heterosexual contact, also by sharing needles and other "works" among intravenous drug users. The term "works" describes drug paraphernalia used to process and inject drugs intravenously (including the needle and syringe, the cooker used to liquify the drug, and the cotton used for filtering). All "works" may be potentially contaminated with infected blood. HIV is also transmitted from infected mother to infant during pregnancy, delivery and possibly through breast milk during nursing. HIV has been transmitted through transfused blood or blood components, and in a very small number of cases, HIV transmission through

occupational exposure has been documented.

In the spring of 1985 screening the blood supply for evidence of HIV began. Beginning in 1987, blood components used to treat hemophilia were treated with heat to inactivate any HIV present. Therefore, HIV transmission through the tranfusion of blood or blood components would now be extremely unlikely. Occupational transmission of HIV has occurred in a very small number of cases as a consequence of accidental needle-sticks or the exposure of either mucous membranes or inflamed, uncovered skin to large amounts of infected blood. The implementation of specific infection control procedures in health care settings makes occupational transmission also extremely unlikely.

HIV is not transmitted through casual contact such as shaking hands, hugging, or social kissing. HIV is also not transmitted from toilet seats, drinking fountains, door knobs, dishes, drinking glasses, pets, or biting insects such as mosquitos and fleas.

The behaviors that increase the risk of infection with HIV include: Having a history of male homosexual contact since 1977, having a history of numerous sexual partners (either homosexual or heterosexual); sharing needles or other "works" among people using drugs intravenously. Having sex with someone who has had numerous homosexual or heterosexual partners, or having sex with someone who uses drugs intravenously and shares needles or other "works" are also "high risk" behaviors.

Current statistics indicate that Blacks and Hispanics are disproportionately represented among the over 53,000 people with AIDS that, to date, have been reported in the United States. While Blacks and Hispanics respectively represent about 12% and 7% of the U.S. population, 25% of people with AIDS are Black and 14% are Hispanic. This disparity is even more striking when one examines the difference in rates of AIDS cases by race—for non-Hispanic whites: 168.3 cases per million, for Hispanics: 454.5 cases per million, for Blacks: 520 cases per million. Asian/Pacific Islanders and Native Americans (including Native Hawaiians) respectively represent 1.6% and 0.7% of the U.S. population and together currently account for less than 1% of people with AIDS. However, Asian/Pacific Islanders and Native Americans are also very much at risk for AIDS. Because we do not have accurate HIV seroprevalence data, we do not know whether the current low rates among these groups will continue.

There is a significant degree of geographic variation in the racial/ethnic distribution of people with AIDS. For example, 62% of Blacks and 65% of Hispanics with AIDS resided in New York, New Jersey and Florida, while 33% of non-Hispanic whites with AIDS resided in these three states. Recognizing this variation is essential to understanding how the HIV epidemic has impacted upon various minority communities.

There are striking differences in patterns of transmission of HIV among Blacks and Hispanics compared to non-Hispanic whites. Overwhelmingly, non-Hispanic whites with AIDS are more likely to have contracted the disease through homosexual/bisexual activity or transfusion of blood or blood products (including hemophiliacs). For Blacks and Hispanics homosexual/bisexual transmission is also the predominate mode of contracting AIDS but intravenous drug abuse (by sharing needles and other "works") and heterosexual contact are much more important modes of transmission than for non-Hispanic whites. Furthermore, over 70% of heterosexuals, over 70% of women and nearly 80% of children with AIDS are Black and Hispanic. It must be emphasized, however, that people at risk for AIDS become so because of individual behavior, not because of any inherent feature of race or ethnicity.

At the present time there is no cure for HIV infection. Furthermore, there is no available treatment or vaccine to prevent the spread of the HIV. Prevention through individual behavior change is the only method currently available to stop spread of HIV infection. Only through prevention of HIV infection can the increase in future AIDS cases be slowed.

A number of public surveys have been done recently about the public's knowledge, attitudes and beliefs about AIDS. Some of these surveys suggest that minority populations tend to have less information about AIDS and greater misconceptions about AIDS. These studies also indicate that currently, minorities are not being adequately reached by AIDS education programs oriented toward the "general" population.

To effectively influence behavior, health messages for minorities must take into account culture, language, level of education and other socio-economic factors that may limit the efficacy of health education efforts designed for the "general" population. This is especially true for AIDS education which requires discussion of potentially emotionally charged issues about very personal behaviors, such as discussion of specific sexual behaviors, homosexuality, bisexuality and drug use.

Recognition of significant heterogeneity within minority populations, including differences in HIV risk factor profiles, will require creativity and innovation in the development of approaches to AIDS education/prevention—for example, providing information using posters, billboards, pamphlets, comic books, music, street theater and minority focused media. Furthermore, these messages must be presented by people and organizations that are credible to the targeted population. Community-based community service organizations that represent racial/ethnic minorities, and national minority organizations, therefore offer unique opportunities for conveying health information in general, and AIDS information in particular. Supporting these organizations to initiate or expand AIDS education/prevention activities provides an opportunity to intensify the quality and scope of HIV disease prevention for minority populations.

Authority

This program is authorized under section 301 of the Public Health Service Act, as amended.

Program Purpose

The purpose of this grant program is to demonstrate the effectiveness of AIDS education and prevention strategies designed for racial/ethnic minority populations which (1) expand the range of minority community-based and national organizations involved in AIDS education/prevention activities and (2) encourage innovative approaches that appropriately address the diversity within and among minority populations.

Program Objectives

The objectives of this grant program are to fund projects which:

(1) Demonstrate innovative approaches, among minorities, through information dissemination and education/prevention at a local or national level, in order to reduce behaviors associated with a high risk of contracting and spreading HIV infection;

(2) Demonstrate specific and detailed methods for disseminating AIDS information and providing AIDS education/prevention to racial/ethnic minorities presented in a medium, format and language that is appropriate for the targeted population;

(3) Demonstrate coordination with existing AIDS education/prevention

resources (such as the local or state health department);

(4) Demonstrate experience of the organization in minority community service on a national or local level;

(5) Monitor and evaluate how the project's specific objective have been met through the proposed activities.

Definitions

For the purposes of this grant program the following definitions are provided:

Minority Community-based Organization

A private nonprofit or for-profit organization with an established record of community service within racial and ethnic minority communities. Such organizations must also show substantial minority input into policy making decisions. Documents which may indicate minority involvement include, but are not limited to, the organization's constitution or by-laws.

National Minority Organization

A private nonprofit or for-profit organization with interests and activites that have a predominant minority focus and are national in scope.

Community

A defined geographical area in which persons live and work that is characterized by: (a) Formal and informal channels of communication; (b) formal and informal leadership structures for the purpose of maintaining order and improving conditions; (c) the capacity to serve as a focal point for addressing societal needs including health needs.

Target Population

The population for whom the proposed project is directed. Proposals will be considered which address AIDS education/prevention activities for racial/ethnic minority populations within the United Staes and its territories. For the purposes of this grant program racial/ethnic minorities are defined as Asian/Pacific Islanders, Blacks, Hispanics and Native Americans/Alaska Natives (which include Native which include Native Hawaiians).

High Risk Behaviors

The behaviors that increase the risk of infection with HIV including male homesexual contact (after 1977), having numerous sexual partners (either homosexual or heterosexual); sharing needles or other "works" among people using drugs intravenously; having sex with someone who has had numerous homeosexual or heterosexual partners, or having sex with someone who uses drugs intravenously and shares needles or other "works."

Intervention

An activity or series of activities that are implemented to produce positive change.

Examples of Grant Program Activities

Please note that a broad range of approaches may be submitted as responsive to this proposal. The following examples are provided to describe *possible elements* of an acceptable program. A proposed program might include one, all or none of the examples described below:

(1) Designing and performing a needs assessment and planning project for a selected minority population that would characterize demographic features regarading levels of knowledge, attitudes and beliefs about HIV infection; assess the prevalence of high-risk behaviors; profile existing current sources of HIV infection/AIDS information; describe barriers to information dissemination; describe effective strategies for enhancing HIV infection/AIDS education that particular minority population;

(2) Providing instruction to community professionals and out-reach workers to disseminate AIDS information and provide AIDS education;

(3) Developing mechanisms to encourage volunteers to do community AIDS education/prevention out-reach;

(4) Identifying existing educational materials, developing educational materials or educational campaigns to provide factual information about HIV infection and prevention of HIV transmission;

(5) Developing strategies to provide AIDS education/prevention using hospital emergency rooms, other health care centers, churches, youth shelters, teen centers, adult education centers, detention centers or social service agencies;

(6) Developing and implementing activities to enable people at risk for contracting HIV infection to make a realistic assessment of their personal risk and their potential for transmitting the virus to others;

(7) Developing and implementing activities to assist people at risk in planning, negotiating and reinforcing behavior change to prevent HIV infection.

Availability of Funds

Under this announcement the Office of Minority Health will make $700,000 available in Fiscal Year 1988 to support 10–15 grants of $20,000–$50,000 each per year to be awarded to minority community-based organizations and 4–8 grants of $25,000–$75,000 each per year to be awarded to national minority organizations. The specific amount funded will depend on the merit and scope of the proposed project and the overall availability of funds. Since a variety of approaches would represent valid responses to this announcement, a range of cost is expected among individual grants awarded.

These grants will be funded for up to a three year project period. Funding for the second and third year of the project period will be contingent on the applicant's performance during the first year and future availability of funds. Under this announcement it is anticipated that funds will be awarded before September 30, 1988.

Applicant Eligibility

Eligible applicants for this grant program must be minority community-based organizations or national minority organizations as defined within this announcement (see definitions). Individuals are not eligible to apply.

Federal demonstration grant support is not expected to result in more than one award in any Standard Metropolitan Statistical Area (SMSA) unless an additional project in an SMSA is targeted to another of the four major minority groups—Asian/Pacific Islanders, Blacks, Hispanics, and Native Americans/Alaska Natives. Efforts will be made to balance geographic, racial/ethnic and HIV infection risk considerations in the distribution of grant awards.

Application Procedures

Application Forms

The forms used to apply for grants under this program are Form PHS 398. Copies of the application kit may be obtained from the Grants Management Branch, Room 18A10, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Deadlines

The deadline for receipt of applications is 5:30 p.m. (EST) on July 15, 1988. Applications will be considered as meeting the deadline if they are either:

(1) Received at the above address on or before the deadline date, or

(2) Sent to the above address on or before the deadline date and received in time for orderly processing.

(Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will

not be accepted as proof of timely mailing.)

Late Applications

Applications which do not meet the Deadline criteria specified above will be considered late applications and will be returned to the applicant without being processed.

Terms of Condition and Support

Funds may be used to cover expenses clearly related and necessary to conduct the demonstration project. These expenses include the cost of personnel required to implement the program and the cost for consultants, support services and materials. Funds may not be used for HIV testing or screening. Funds may not be used for building construction costs or building alterations and renovations. Also, funds may not be used to purchase equipment except as may be acceptably justified in relation to conducting the project.

Review Methods and Review Criteria

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs. Applications for funding will be subject to State review but comment must be received by 60 days after the due date by the program grants management office. Applicants should contact State Single Points of Contact (SPOC) early in the application preparation process.

All applications will be reviewed and evaluated only in terms of the evidence presented in the application regarding the ability of the applicant to meet the Grant Program objectives. A review group will be convened by the Office of Minority Health solely for this purpose. The criteria presented below will be used to assist reviewers in evaluating proposed projects. (An indicator of relative weight of criteria appears in parentheses):

Project Objectives

1. The consistency of the project's goals and objectives with those of the Grant Program (high);

Target Population

2. The need for AIDS education/prevention for the target population specified by the applicant (high);

Intervention

3. The appropriateness and feasibility of the intervention strategy, specific activities and methods of implementation proposed for the target population (high);

Workplan

4. The coherence, detail, and explanation of the workplan (high)

Organizational Capability

5. The organization's capacity to be a credible source of AIDS information and education for the target population (high);

6. The organization's capacity to meet the objective's of its proposed program and carry out all proposed functions (high);

7. The organization's ability and commitment to coordinate its AIDS information and education efforts with other existing resources available for the target population (medium);

Project Management and Staffing

8. Qualifications and appropriateness of proposed program staff, both paid and voluntary, and adequacy of time allocated for them to accomplish program activities (high);

9. Appropriateness of management plan and qualifications and experience of managers proposed (medium);

Evaluation

10. The appropriateness and usefulness of methods proposed to monitor activities and measure progress toward obtaining the project objectives (medium);

11. The extent to which the evaluation plan assesses the effects of the project intervention(s) on the target population (medium).

Information and Technical Assistance

Information on the application procedures and copies of application forms may be obtained from Ralph Sloat, Grants Management Officer, Room 18A10, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857 (phone 301–443–4033).

Technical assistance on the programmatic content of the application may be obtained from Jacqueline Bowles, M.D., Office of Minority Health, Room 118F, HHH Building, Washington, DC 20201 (phone 1–800–444–6472 or 202–245–0020).

(The Catalog of Federal Domestic Assistance Number for this program is 13.160)

Dated: April 20, 1988.

Herbert W. Nickens,

Director, Office of Minority Health.

[FR Doc. 88–11410 Filed 5–19–88; 8:45 am]

BILLING CODE 4160–17–M

Social Security Administration

Privacy Act of 1974; Computer Matching Program

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: Notice of Computer Matching Program—SSA/State and Federal agencies administering workers' compensation (WC) programs.

SUMMARY: SSA is issuing public notice of its intent to conduct a matching program with the various State and Federal agencies which administer WC programs. SSA's Office of System Requirements will perform the match using certain data provided by the States and the Department of Labor (DOL). The matching program will be an interface involving the DOL system of records entitled DOL/ESA–13 (which was last published in the **Federal Register** (FR) on July 13, 1982, page 3382) and the SSA systems of records listed below (included in the list is the date and page number of the **Federal Register** (FR) issue in which a notice of the system last was published):

(1) 09–60–0045—Black Lung Payment System, HHS/SSA/OSR (FR, March 25, 1987, page 9543);

(2) 09–60–0090—Master Beneficiary Record, HHS/SSA/OSR (FR, May 1, 1986, page 16223); and

(3) 09–60–0103—Supplemental Security Income Record, HHS/SSA/OSR (FR, October 13, 1982, page 45635).

The purpose of the match is to detect and/or prevent erroneous payments of Social Security benefits, Supplemental Security Income payments and Black Lung benefits.

DATES: The data exchange will begin in fiscal year 1988.

ADDRESS: Interested parties may comment on this publication by writing to the Acting SSA Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at 3–F–1 Operations Building at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine Hoos, Special Programs Branch, Office of Disability, Social Security Administration, 3–M–25 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 965–7687.

SUPPLEMENTARY INFORMATION: The matching program which SSA will conduct will be a computerized interface involving SSA's Black Lung Payment

System, Master Beneficiary Record and Supplemental Security Income Record systems of records matched against DOL's DOL-ESA-13 system and extracts of the WC payment files maintained by State agencies. Obtaining WC data through a matching operation will permit timely, proper payment of title II/title XVI benefits/payments under the Social Security Act and Black Lung benefits under the Black Lung Act. The matching operation also will detect and prevent erroneous payments of benefits/payments.

Further information regarding the matching program, including the authority for the program, a description of the program, the personal records which will be matched, and other information relative to the matching program are provided in the notice below. The information in the notice is required by paragraph 5.f.1 of the Revised Supplemental Guidance for Conducting Computerized Matching Programs (published in the FR on May 19, 1982, pages 21657-21658). A copy of the notice has been furnished to both Houses of Congress and the Office of Management and Budget.

Dated: May 13, 1988.

Dorcas R. Hardy,

Commissioner of Social Security.

NOTICE OF A COMPUTER MATCHING PROGRAM

Social Security Administration (SSA) Matching With State and Federal Workers' Compensation (WC) Records

A. *Authority.* Sections 224, 1631(e)(1)(B), and 1631(f) of the Social Security Act; section 412(b) of the Black Lung Benefits Act.

B. *Description of Computer Matching Program.*—1. *Organizations Involved.* SSA, the State agencies administering WC programs, and the Department of Labor (DOL) are the involved entities.

2. *Purpose.* We will use State and Federal WC data in the matching program to verify appropriate title II and Black Lung (BL) offset applications as well as title XVI unearned income adjustments. Obtaining State and Federal WC payment data through a matching operation will permit timely, proper payment of title II, title XVI, and BL benefits and assist SSA in detecting and preventing erroneous payments.

3. *Procedures.* The State WC agencies and DOL will furnish SSA extracts of their payment files containing identifying data (name, Social Security number, date of birth) and pertinent WC data (date of award, type of WC, basis of the award, payment history, lump sum information, and the WC claim number). These data will be processed against SSA's title II, title XVI and BL payments records.

For those records matched, action will be taken to assure that Social Security and BL benefits have been adjusted appropriately. For the title XVI program, the WC information will be treated as a third-party lead requiring confirmation with the individual concerned prior to payment adjustment. For the title II and BL program, the WC information will be used in payment computation, but affected individuals will be afforded due process prior to implementation of the payment modification. SSA will make no further subsequent contacts with the States or DOL as part of this matching program, except in specific cases where issues which arise from the match must be resolved.

C. *Records to be Matched.* SSA will match extracts of State WC agency records and DOL's DOL/ESA-13 system (last published in the **Federal Register** (FR) on July 13, 1982, page 3382) with the following SSA system of records (included in the list are the dates and page numbers of the FR issues in which notices of the systems appeared):

1. 09-60-0045—Black Lung Payment System (BLPS), HHS/SSA/OSR (FR, March 25, 1987, page 9543)
2. 09-60-0090—Master Beneficiary Record (MBR), HHS/SSA/OSR (FR, May 1, 1986, page 16223)
3. 09-60-0103—Supplemental Security Income Record (SSR) HHS/SSA/OSR (FR, October 13, 1982, page 45635)

D. *Projected Starting and Ending Dates.* The match will begin and run during fiscal year 1988. If it is cost effective, a new match notice will be published in fiscal year 1989.

E. *Security Safeguard.* Security safeguards pertaining to the BLPS, MBR, and SSR as reflected in the FR publications cited above will apply. All magnetic tape and disk records are kept within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have a special badge which is issued only to authorized personnel. Specific safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal-oriented transaction matrix, and an audit trail. All microfilm and paper files are accessible only by authorized personnel who have a need for them in the performance of their official duties. These same safeguards will apply to State and DOL tapes while they are in SSA's possession.

F. *Disposition of Records.* SSA will use data received for the match only for the purposes of this matching program and will return the data to State WC agencies and DOL after the matching operation. A record of the "hits" will be placed in the claim folder of the selected individual. Information regarding matched records will be incorporated into the BLPS, MBR, or SSR as appropriate.

G. *Other Comments.* For those records matched, SSA will take proper action to assure that Social Security payments are adjusted accordingly after providing due process procedures to the individuals concerned.

[FR Doc. 88-11376 Filed 5-19-88; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-88-1805]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members

of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507, Paperwork reduction Act, 44 U.S.C. 3507; section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: May 10, 1988.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Certificate of Need for Health Facility and Assurance of Enforcement of State Standards
Office: Housing
Description of the need for the information and its proposed use: Sections 232 and 242 of the National Housing Act authorize mortgage insurance for nursing homes and/or intermediate care facilities (ICFs), board care homes, and hospitals. The form, Certificate of Need, is used and needed by the nursing homes, ICFs, and hospitals to obtain approval for an insured loan.
Form number: HUD–2576–HF
Respondents: State of Local Governments, Businesses or Other For-Profit, and Non-Profit Institutions
Frequency of respondents: On Occasion
Estimated burden hours: 40
Status: Extension
Contact: C. Edward Lewis, Jr., HUD, (202) 755–6223; John Allison, OMB, (202) 395–6880

Date: May 10, 1988.

Proposal: Application for Transfer of Physical Assets
Office: Housing
Description of the need for the information and its proposed use: These forms are completed and submitted to HUD by prospective purchasers of properties with mortgages either HUD-insured or HUD-held before the transfer. The information is needed by HUD for approval of a transfer of physical assets. HUD uses the information to ensure that the project is not placed in physical, financial, or managerial jeopardy by the transfer.
Form number: HUD–9575 and 92266
Respondents: Businesses or Other For-Profit and Non-Profit Institutions
Frequency of respondents: On Occasion
Estimated burden hours: 43,400
Status: Extension
Contact: Judith L. Lemeshewsky, HUD, (202) 426–3944; John Allison, OMB, (202) 395–6880

Date: May 10, 1988.

Proposal: Comprehensive Improvement Assistance Program (CIAP): Application Requirements
Office: Public and Indian Housing
Description of the need for the information and its proposed use: These forms will be used by Public Housing Agencies/Indian Housing Authorities (PHAs/IHAs) in assessing their physical and management improvement needs and in applying for modernization funds. These forms are necessary to implement the statutory requirements of the CIAP.
Form number: HUD–52821, 52823, 52824, and 52825
Respondents: State or Local Governments and Non-Profit Institutions
Frequency of respondents: On Occasion and Annually
Estimated burden hours: 16,288
Status: Extension
Contact: Pris P. Buckler, HUD, (202) 755–6640; John Allison, OMB, (202) 395–6880

Date: April 15, 1988.

Proposal: Lead-Based Paint Hazard Elimination in Public Housing
Office: Public and Indian Housing
Description of the need for the information and its proposed use: Section 566 of the Housing and Community Development Act of 1987 amends Section 302 of the Lead-Based Paint Poisoning Prevention Act to require Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to maintain records on tenant and purchaser notification, testing by location, and abatement by location and method. The PHAs and IHAs are also required to provide tenants and purchasers a copy of all positive lead-based paint test results.
Form number: None
Respondents: State or Local Governments and Non-Profit Institutions
Frequency of respondents: Recordkeeping and On Occasion
Estimated burden hours: 202,178
Status: Revision
Contact: Carolyn J. Newton, HUD, (202) 755–6640; John Allison, OMB, (202) 395–6880

Date: April 20, 1988.

Proposal: Survey of New Mobile Home Placements
Office: Policy Development and Research
Description of the need for the information and its proposed use: The mobile home placement data is collected from dealers and needed to monitor trends in this type of low-cost housing. HUD uses the statistics produced to formulate policy, draft legislation, and evaluate programs.
Form number: Forms C–MH–9A and C–MH–9B
Respondents: Businesses or Other For-Profit and Small Businesses or Organizations
Frequency of respondents: Monthly
Estimated burden hours: 4,000
Status: Extension
Contact: Connie H. Casey, HUD, (202) 755–5060; David Fondelier, Census, (301) 763–5731; John Allison, OMB, (202) 395–6880

Date: April 20, 1988.

Proposal: Multifamily Insurance Benefits Claims Package
Office: Administration
Description of the need for the information and its proposed use: This information is needed for lenders to claim insurance benefits. HUD uses the information to calculate the claim for insurance benefits under the contract of mortgage insurance pertaining to a specific project.
Form number: HUD–2744A, 2744B, 2744C, 2744D, and 2744E
Respondents: State or Local Governments and Businesses or Other For-Profit Organization.
Frequency of respondents: On Occasion
Estimated burden hours: 900
Status: Extension
Contact: Alice P. Thomas, HUD, (202) 755–6448; John Allison, OMB, (202) 395–6880

Date: April 20, 1988.

Proposal: Tenant Data Summary
Office: Public and Indian Housing
Description of the need for the information and its proposed use: The information is needed by HUD to monitor compliance with statutory and regulatory requirements and provide information by program evaluation and statistical reports. Each Public Housing Agency (PHA) will use the form as a means of certifying that the information the family gave the PHA has been verified, that the family was eligible at admission, and that the family certified it gave the PHA accurate and complete information.
Form: HUD–50058
Respondents: State or Local Governments
Frequency of respondents: Annually and On Occasion
Estimated burden hours: 2,640,000
Status: Reinstatement

Contact: Joyce Ann Bassett, HUD, (202) 426–0744, John Allison, OMB, (202) 395–6880

Date: April 15, 1988.

Proposal: Good Faith Estimate and Special Information Booklet
Office: Housing
Description of the need for the information and its proposed use: Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires lenders to provide borrowers a Special Information Booklet and Good Faith Estimate of settlement costs borrowers are likely to incur at that time. Section 4 of RESPA requires settlement agents to provide borrowers and sellers a HUD–1, Settlement Statement, which shows all charges to be paid by the borrower and the seller in connection with the loan settlement.
Form number: HUD–1
Respondents: Businesses or Other For-Profit
Frequency of respondents: Recordkeeping and On Occasion
Estimated burden hours: 867,501
Status: Extension
Contact: Richard E. Harrington, HUD, (202) 755–5676, John Allison, OMB, (202) 395–6880

Date: April 21, 1988.

Proposal: Land Sales Registration, Purchaser's Revocation Rights, Sales Practices and Standards, and Formal Procedures and Rules of Practice
Office: Housing
Description of the need for the information and its proposed use: The Interstate Land Sales Full Disclosure Act requires developers of certain types of subdivisions to register with the Department of Housing and Urban Development or take steps to comply with the law prior to commencing sales. Disclosure requires developers to define their plans for such subdivisions and to provide purchasers with information on registered subdivisions.
Form number: None
Respondents: Individuals or Households and Businesses or Other For-Profit
Frequency of respondents: Annually
Estimated burden hours: 48,406
Status: Extension
Contact: Roger G. Henderson, HUD, (202) 755–0502, John Allison, OMB, (202) 395–6880

Date: April 26, 1988.

Proposal: Single Family Default Monitoring System
Office: Housing
Description of the need for the information and its proposed use: This data is needed to report information into the HUD Single Family Default Monitoring System (SFDMS). This system tracks and produces various reports containing information on mortgages in default and foreclosure procedures. The information is used by HUD to monitor and evaluate the mortgagees' servicing practices.
Form number: HUD–92068A and 92068C
Respondents: Individuals or Households, Businesses or Other For-Profit, and Small Businesses or Organizations
Frequency of respondents: Monthly and Quarterly
Estimated burden hours: 38,400
Status: Revision
Contact: Leslie Bromer, HUD, (202) 755–7330, John Allison, OMB, (202) 395–6880

Date: April 29, 1988.

[FR Doc. 88–11415 Filed 5–19–88; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–930–08–4332–13]

Availability of Final Environmental Impact Statement; Eastern San Diego County Planning Unit Section 202 Wilderness Study Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of final Environmental Impact Statement (EIS) on the Wilderness Recommendations for the Eastern San Diego County Planning Unit Section 202 Wilderness Study Areas (WSAs).

SUMMARY: This EIS assesses the enviromental consequences of managing four Wilderness Study Areas (WSAs) as wilderness or non-wilderness. The alternatives assessed include: (1) A "no wilderness/no action" alternative for each WSA, (2) an "all wilderness" alternative for each WSA.

The names of the WSAs analyzed in the EIS, their total acreage, and the proposed actions for each are as follows:

San Ysidro Mountain WSA (CA–060–022)—2,131 acres; 0 acres suitable, 2,131 acres nonsuitable.
Sawtooth Mountains A WSA (CA–060–024A)—3,892 acres; 0 acres suitable, 3,892 acres nonsuitable.
Sawtooth Mountain C WSA (CA–060–024C)—2,509 acres; 0 acres suitable, 2,509 acres nonsuitable.
Table Mountain WSA (CA–060–026)—958 acres; 0 acres suitable, 958 acres nonsuitable.

For Section 202 WSAs that he does not recommend for wilderness designation (all four WSAs in this final EIS), the State Director has the authority to release those public lands from wilderness study and return them to multiple-use management in accordance with existing land use plans. A Record of Decision will be prepared for these WSAs for State Director's approval. Multiple-use management may begin 30 days after the State Director files the final EIS with the Environmental Protection Agency or approximately 30 days from the filing of this notice.

SUPPLEMENTARY INFORMATION: A limited number of individual copies of the EIS may be obtained from the Area Manager, El Centro Resource Area, 333 South Waterman Avenue, El Centro, California 92243. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th & "C" Streets NW., Washington, DC 20240.

or

Bureau of Land Management, California State Office, 2800 Cottage Way, Room E–2841, Sacramento, CA 95825

or

Bureau of Land Management, California Desert District Office, 1695 Spruce Street, Riverside, CA 92507.

FOR FURTHER INFORMATION CONTACT: Gerald E. Hillier, District Manager, California Desert District Office, 1695 Spruce Steet, Riverside, CA 92507, (714) 351–6386.

Date: May 9, 1988.

Ed Hastey,
State Director.

[FR Doc. 88–11207 Filed 5–19–88; 8:45 am]
BILLING CODE 4310–40–M

[MT–060–08–4322–02]

Grazing Advisory Board Meeting; Lewistown; MT

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Notice of Grazing Advisory Board Meeting.

SUMMARY: The Lewistown District Grazing Advisory Board will meet June 23, 1988. The agenda will be:

10:00 a.m.—Introduction and welcome.
10:05 a.m.—Range improvement update.
10:30 a.m.—AMP implementation, consultation, cancellation.
10:50 a.m.—ORV use on grazing allotments.
11:20 a.m.—Prairie dog control.
11:45 a.m.—Grazing regulation update.

12:00 noon—Lunch.
1:00 p.m.—Livestock lease and control agreement and leases of base property.
1:30 p.m.—CRP program impacts on grazing allotments.
1:50 p.m.—Land use plan update and riparian initiative.
2:15 p.m.—Grazing board member issues.
3:00 p.m.—Date, time, place for next meeting. Adjourn.
Public comment will be sought at the end of each agenda item.
Date: June 23, 1988 10:00 a.m. to 3:00 p.m.
Location: Yogo Inn, 211 East Main, Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Wayne Zinne, District Manager, Bureau of Land Management, 80 Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Lewistown District Grazing Advisory Board is authorized under the *Federal Advisory Committee Act, 5 U.S.C. Appendix 1.* The board advises the Lewistown District Manager concerning the development of allotment management plans and the utilization of range betterment funds.
Date: May 13, 1988.

B. Gene Miller,
Acting District Manager.

[FR Doc. 88-11320 Filed 5-19-88; 8:45 am]
BILLING CODE 4310-DN-M

[WY-030-08-4322-10]

Rawlins District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rawlins District Grazing Advisory Board.

SUMMARY: Pursuant to the Taylor Grazing Act of 1934, the Federal Land Policy and Management Act of 1976, the Public Rangelands Improvement Act of 1978, and the Executive Order 12548 of February 14, 1986, notice is hereby given of a meeting of the Rawlins District Grazing Advisory Board to be held at 9:00 a.m., June 7, 1988. This meeting will consist of a morning session in the main conference room of the district office and an afternoon tour and lunch in the vicinity of Seminoe reservoir.

DATE: June 7, 1988.

ADDRESS: Bureau of Land Management, Rawlins District Office, 1300 N. Third St., P.O. Box 670, Rawlins, Wyoming, 82301.

FOR FURTHER INFORMATION CONTACT: John Spehar, District Range conservationist, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming, 82301, (307) 324-7171.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Opportunity for the public to present information or make comment.
2. Discussion of New Grazing Regulations.
3. Riparian Video.
4. Riparian Presentation—Discussion.
5. Depart for Seminoe Reservoir and sack lunch.
6. 1988 Range Improvement Update.
7. Monitoring Discussion.
8. Discuss grazing management within the Seminoe Allotment with emphasis on cooperation and coordination concerning access and recreation in the area.

The meeting and field trip will be open to the public, however interested persons must furnish their own 4-wheel drive transportation and lunch. Anyone interested in attending this meeting or making an oral presentation, must notify the District Manager by May 31, 1988. Written statements may also be filed for the Boards consideration.

Summary minutes of this meeting will be on file in the Rawlins District Office and available for public inspection (during regular business hours) within 30 days of the meeting.

Michael J. Karbs,
Associate District Manager.

[FR Doc. 88-11480 Filed 5-19-88; 8:45 am]
BILLING CODE 4310-22-M

[ES-940-08-4520-13, ES-038800, Group 5]

Maine; Filing of Plat of Dependent Resurvey and Survey

May 16, 1988.

1. The plat of the dependent resurvey and survey of the boundaries of the land held in trust for the Penobscot Nation in Township 6, Range 8, West of the East Line of the State (W.E.L.S.), Penobscot County, Maine, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on June 30, 1988.

2. The dependent resurvey and survey was made at the request of the Bureau of Indian Affairs.

3. All inquiries or protests concerning the technical aspects of the dependent resurvey and survey must be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., June 30, 1988.

4. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,
Deputy State Director for Cadastral Survey and Support Services.

[FR Doc. 88-11389 Filed 5-19-88; 8:45 am]
BILLING CODE 4310-GJ-M

National Park Service

[DES 88-28]

Availability of the Draft Environmental Impact Statement; Aniakchak National Monument and Preserve; Alaska

ACTION: Notice of Availability of the Draft Environmental Impact Statement (DEIS) for the Wilderness Recommendation Aniakchak National Monument and Preserve, Alaska and the holding of public hearings and a public meeting.

For Aniakchak National Monument and Preserve, four alternatives were examined ranging from no action, which means no additional wilderness designation, to designating all suitable lands within the study area as wilderness. Alternative 2, the proposed action, recommends 293,336 acres or 49 percent of study area lands for wilderness designation.

DATES AND ADDRESSES: The public is invited to comment on the DEIS. The public comment period will end August 29, 1988. Written comments should be mailed to Mr. Q. Boyd Evison, Regional Director, Alaska Regional Office, National Park Service, 2525 Gambell, Anchorage, Alaska 99503. Comments must be received by August 29, 1988, to be considered in the development of the final EIS.

Two formal public hearings have been scheduled to receive oral and written comments on this wilderness DEIS. A section 810 review will be conducted as part of the hearings. The public hearings will also provide the opportunity to receive oral and written comments on Wilderness Recommendations for Noatak National Preserve, Cape Krusenstern National Monument, Glacier Bay National Park and Preserve, Katmai National Park and Preserve, Denali National Park and Preserve, and Kobuk Valley National Park draft EISs, which are also on public review. One hearing will be held in Anchorage, Alaska, on Monday, July 18, 1988, 7:00 p.m., Room 300, Alaska Regional Office, National Park Service, 2525 Gambell Street. Another hearing will be held Tuesday, July 19, at 7:00 p.m., in Arlington, Virginia, at the Professional

Center, Third Floor, Metropolitan Campus of George Mason University, 3401 North Fairfax Drive.

In addition, a public meeting will be held on Aniakchak National Monument and Preserve Wilderness DEIS in King Salmon at the National Park Service office on Wednesday, July 20, 1988 at 7:00 p.m. A section 810 will be conducted as part of the meeting.

FOR FURTHER INFORMATION CONTACT: Division of Planning, Alaska Regional Office, National Park Service, 2525 Gambell Street, Anchorage, Alaska 99503; (907) 257–2654. The headquarters, c/o Katmai National Park and Preserve, P.O. Box 7, King Salmon, Alaska 99614, phone (907) 246–3305 will have reading copies available to the public as will the NPS Alaska Regional Office (address above); the Alaska Resources Library in Anchorage, Alaska, 701 C Street; the Alaska Public Lands Information Office in Fairbanks, Alaska, Third and Cushman Streets; and the Office of Public Affairs, National Park Service, Department of the Interior in Washington DC, 18th and C Streets, NW.

Date: May 13, 1988.

Gerald D. Patten,

Associate Director, Planning and Development.

Approved.

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

[FR Doc. 88–11322 Filed 5–19–88; 8:45 am]

BILLING CODE 4310–70–M

[DES 88–27]

Availability of the Draft Environmental Impact Statement; Cape Krusenstern National Monument, Alaska

ACTION: Notice of Availability of the Draft Environmental Impact Statement (DEIS) for the Wilderness Recommendation Cape Krusenstern National Mounment, Alaska and the holding of public hearings and public meetings.

For Cape Krusenstern National Monument, four alternatives were examined ranging from no action, which means no additional wilderness designation, to designating all suitable lands within the study area as wilderness. Alternative 2, the proposed action, recommends 465.007 acres or 74 percent of study area lands for wilderness designation.

Dates and addresses: The public is invited to comment on the DEIS. The public comment period will end August 29, 1988. Written comments should be mailed to Mr. Q. Boyd Evison, Regional Director, Alaska Regional Office, National Park Service, 2525 Gambell, Anchorage, Alaska 99503. Comments must be received by August 29, 1988, to be considered in the development of the final EIS.

Two formal public hearings have been scheduled to receive oral and written comments on this wilderness DEIS. A section 810 review will be conducted as part of the hearings. The public hearings will also provide the opportunity to receive oral and written comments on Wilderness Recommendations for Noatak National Preserve, Aniakchak National Monument and Preserve, Glacier Bay National Park and Preserve, Katmai National Park and Preserve, Denali National Park and Preserve, and Kobuk Valley National Park draft EISs, which are also on public review. One hearing will be held in Anchorage, Alaska, on Monday, July 18, 1988, 7:00 p.m. Room 300, Alaska Regional Office, National Park Service, 2525 Gambell Street. Another hearings will be held on Tuesday, July 19, at 7:00 p.m. in Arlington, Virginia, at the Professional Center, Third Floor, Metropolitan Campus of George Mason University, 3401 North Fairfax Drive.

In addition, five public meetings will be held on Cape Krusenstern National Monuments DEIS. On Monday, July 25, 1988, in the community hall at Kivalina at 2:00 p.m. and in the community hall at Noatak at 7:00 p.m.; on Tuesday, July 26, 1988, in the National Park Service visitor center in Kotzebue at 7:00 p.m.; on Wednesday, July 27, 1988 in the IRA building in Ambler at 7:00 p.m.; and on Thursday, July 28, 1988 in the community building in Kiana at 7:00 p.m. A section 810 review will be conducted as part of the meetings.

FOR FURTHER INFORMATION CONTACT: Division of Planning, Alaska Regional Office, National Park Service, 2525 Gambell Street, Anchorage, Alaska 99503; (907) 257–2654. The headquarters at P.O. Box 1029, Kotzebue, Alaska 99752, phone (907) 442-3890 will have reading copies available to the public as will the NPS Alaska Regional Office (address above); the Alaska Resources Library in Anchorage, Alaska, 701 C Street; the Alaska Public Lands Information Office in Fairbanks, Alaska, Third and Cushman Streets; and the Office of Public Affairs, National Park Service, Department of the Interior in Washington DC, 18th and C Street, NW.

Date: May 12, 1988.

Gerald D. Patten,

Associate Director, Planning and Development.

Approved.

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

[FR Doc. 88–11323 Filed 5–19–88; 8:45 am]

BILLING CODE 4310–70–M

Intent to Prepare Environmental Impact Statement; Roanoke River Parkway, VA

AGENCY: National Park Service, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: Notice is hereby given that the National Park Service intends as lead agency to prepare an EIS in accordance with section 102 of the National Environmental Policy Act of 1969 for the Roanoke River Parkway. Interested and affected Federal, State and local agencies, interested groups and individuals are invited to participate in determining the scope of the EIS and significant issues to be analyzed in depth in the EIS.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 authorized the funding of $12 million for the construction of a 10-mile segment of the Roanoke River Parkway to connect the Blue Ridge Parkway with the proposed Explore Project. A tripartite agreement was set up between the National Park Service, the Federal Highway Administration and the Virginia Department of Transportation to obtain $15 million over the next five (5) years for the planning, design and construction of this segment of roadway. The proposed parkway is from Tinker Creek near the Roanoke-Vinton city limits in Roanoke County to Hardy Ford in Bedford and Franklin Counties, Virginia. This roadway will be designed and constructed by the National Park Service and the Federal Highway Administration. It will be owned by the United States and maintained by the National Park Service.

The EIS will assess the impacts to the environment as well as the socio-economic impacts associated with the preferred alignment for this 10-mile segment of the parkway as well as alternative alignments.

ADDRESSES: Send written comments to: Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Assistant Manager, Eastern Team, Denver Service Center, National Park Center, P.O. Box 25287, Denver, Colorado 89225, Telephone (303) 969–2400.

Dated May 9, 1988.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 88–11325 Filed 5–19–88; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–55 (Sub-No. 241)]

CSX Transportation, Inc.; Abandonment in Hamilton and Suwannee Counties, FL; Findings

The Commission has issued a certificate authorizing CSX Transportation, Inc. to abandon its 15.04-mile rail line between Jasper (milepost AR–654.06) and Live Oak (milepost AR–669.10) in Hamilton and Suwannee Counties, FL. The abandonment certificate will become effective 30 days ater this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Noreta R. McGee,

Secretary.

[FR Doc. 88–11391 Filed 5–19–88; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31272]

CSX Transportation, Inc.; Acquisition Exemption; Certain Line of Norfolk and Western Railway Co.

CSX Transportation, Inc. (CSXT) has filed a notice of exemption to acquire a line of railroad owned by Norfolk and Western Railway Company (N&W). The line extends between milepost V–73.7 and milepost V–75.4 at Jarratt, VA, a distance of approximately 1.06 miles of main track, along with approximately 2.76 miles of passing and crossover track. The transaction was expected to be consummated on April 28, 1988.

The line CSXT is acquiring is part of a longer line of railroad which the Commission authorized to be abandoned in Docket No. AB–10 (Sub-No. 46), *Norfolk and Western Railway Company—Abandonment—Between Briery and Jarratt in Prince Edward, Lunenberg, Brunswick, Greensville, and Sussex Counties, VA* (not printed), served August 26, 1987. This acquisition, which was noted in the abandonment decision, permits direct CSXT access to a Georgia Pacific Corporation facility at Jarratt. Because that facility has been open to reciprocal switching by CSXT, the acquisition of the line will not constitute a major market extension by CSXT. See 49 CFR 1180.3(c). Accordingly, the transaction falls within the class of transactions exempted by 49 CFR 1180.2(d)(1).

To ensure that all employees who may be affected by the transaction are given the minimum protection afforded under 49 U.S.C. 10505(g)(2) and 49 U.S.C. 11347, the labor conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), are imposed.

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleading must be filed with the Commission and served on: Lawrence R. Richmond, CSX Transportation, Inc., 100 North Charles Street, Baltimore, MD 21201.

Decided: May 11, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–11244 Filed 5–19–88; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31267]

Dallas Area Rapid Transit—Acquisition and Operation Exemption—Rail Lines Of Southern Pacific Transporation Co.; Exemption

Dallas Area Rapid Transit (DART), a noncarrier, has filed a notice of exemption to acquire by purchase and to operate approximately 34 miles of railroad in Dallas and Collins Counties, TX, from Southern Pacific Transporation Company (SP). The properties consist of: (a) The Soumethun Branch line of railroad from milepost 273.00 at Gifford Junction to milepost 269.78 at Lovers Lane, in Dallas TX, (b) the Ennis Subdivision North Mainline of railroad from milepost 285.10 at Spring Creek Parkway in Plano, TX, to milepost 273.00 at Gifford Junction in Dallas, including the Aprapaho Lead, (c) the Ennis Subdivision South (Dallas Belt) line from milepost 13.74 at Gifford Junction to milepost 6.94 at GC & SF Overpass at Tenison Park in Dallas, (d) the Athens Branch East line of railroad from milepost 315.00 at Briggs Junction to milepost 305.76 at Rylie in Dallas, and (e) the Athens Branch West out-of-service line from milepost 317.92 at Hall Street to milepost 315.00 at Briggs Junction in Dallas, less portions of the line segment previously conveyed by SP to the City of Dallas.

The transaction was expected to be consummated on April 28, 1988. A grant of trackage rights to SP over part of the lines that were to be sold to DART is the subject of a notice of exemption filed concurrently in Finance Docket No. 31270, *Southern Pacific Transportation Company—Trackage Rights Exemption—Dallas Area Rapid Transit.* Another grant of trackage rights to SP's affiliate, *St. Louis Southwestern Railway Company*, is the subject of a notice of exemption filed in Finance Docket No. 31278, *St. Louis Southwestern Railway Company—Trackage Rights Exemption—Dallas Area Rapid Transit.* Any comments must be filed with the Commission and served on: Lonnie E. Blaydes, Jr., 601 Pacific Avenue, Dallas, TX 75202.

DART must preserve intact all sites and structures more than 50 years old until compliance with the requirements of Section 106 of the National Historic Preservation Act, 16 U.S.C. 470 is achieved. *See Class Exemption for the Acquisition and Operation of Rail Lines under 49 U.S.C. 10901,* ——— I.C.C.2d ———, served February 17, 1988.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: May 16, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–11292 Filed 5–19–88; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30800 (Sub-No. 1)]

Exempt Transaction To Merge Oklahoma, Kansas and Texas Railroad Co. Into Missouri-Kansas-Texas Railroad Co.

Missouri-Kansas-Texas Railroad Company (MKT) and Oklahoma, Kansas and Texas Railroad Company (OKT) have filed a notice of exemption for OKT to merge into MKT.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). It is a transaction which will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to the use of this exemption, any employees affected by the merger shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern District*, 360 I.C.C. 60 (1979).

Petitions to revoke this exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Michael E. Roper, 701 Commerce Street, Dallas, TX 75202.

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88-11293 Filed 5-19-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-102 (Sub-No. 17)]

Missouri-Kansas-Texas Railroad Co.—Abandonment—in Bourbon, Crawford, Neosho, and Labette Counties, KS; Findings

The Commission has found that the public convenience and necessity permit the Missouri-Kansas-Texas Railroad Company to abandon its 43.3-mile line of railroad between milepost 340.5 near Griffith and milepost 383.8 near Parsons in Bourbon, Crawford, Neosho, and Labette Counties, KS.

A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88-11296 Filed 5-19-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-102 (Sub-No. 19X)]

Missouri-Kansas-Texas Railroad Co.—Abandonment Exemption—in Montgomery County, KS, and Nowata County, OK; Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 2.2-mile line of railroad between milepost A-168.7 at Coffeyville, KS, and Milepost A-170.9 at South Coffeyville, OK, in Montgomery County, KS, and Nowata County, OK.

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from the abandonment. The Section of Energy and Environment (SEE) prepared an Environmental Assessment (EA) which has been served on all parties. Other interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275-7316.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

The exemption will be effective June 18, 1988 (unless stayed pending reconsideration). Petitions to stay and formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by May 31, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by June 8, 1988 with:

Office of the Secretary,
Case Control Branch,
Interstate Commerce Commission,
Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Michael E. Roper,
701 Commerce Street,
Dallas, TX 75202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88-11295 Filed 5-19-88; 8:45 am]

BILLING CODE 7035-01-M

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[1] *See Exemption of Rail Line Abandonments or Discontinuance—Offers of Financial Assistance*, 4 I.C.C.2d 164 (1987) and published at 52 FR 48440 (1987).

[Docket No. AB-102 (Sub-No 16)]

Missouri-Kansas-Texas Railroad Co.—Abandonment—In Pettis and Henry Counties, MO; Findings

The Commission has found that the public convenience and necessity permit the Missouri-Kansas-Texas Railroad Company to abandon its 33.6-mile line of railroad between milepost 229.0 near Sedalia and milepost 262.6 near North Clinton in Pettis and Henry Counties, MO.

A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower-left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88-11297 Filed 5-19-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-102 (Sub-No. 18X)]

Missouri-Kansas-Texas Railroad Co.—Abandonment Exemption—in Comal County, TX

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by the Missouri-Kansas-Texas Railroad Company of a 16.7-mile line of railroad between milepost M-995.9 near Hunter and milepost M-1012.6 near Ogden in Comal County, TX, subject to standard employee protective conditions. A segment of the abendoned track serving New Braunfels, TX, will remain in service as industrial track. Shippers are advised that industrial track is not subject to the abandonment jurisdiction of the Commission or the State of Texas. Accordingly, if they do not seek reconsideration and the exemption becomes effective, shippers will have no agency recourse if MKT subsequently discontinues service at New Braunfels.

DATES: This exemption is effective on June 19, 1988. Petitions to stay must be filed by June 6, 1988, and petitions for reconsideration must be filed by June 14, 1988.

ADDRESSES: Send pleadings referring to Docket No. AB-102 (Sub-No. 18X to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioner's representative: Michael E. Roper, 701 Commerce Street, Dallas, TX 75202.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision in F. D. No. 30800. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (D.C. Metropolitan area), (assistance for the hearing impaired is avaliable through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88-11301 Filed 5-19-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-102 (Sub-No. 23X)]

Missouri-Kansas-Texas Railroad Co.—Abandonment Exemption—In Fannin and Hunt Counties, TX; Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 25.5-mile line of railroad between milepost D-688.1 at Trenton and milepost D-713.6 near Greenville, in Fannin and Hunt Counties, TX.

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from the abandonment. The Section of Energy and Environment (SEE) prepared an Environmental Assessment (EA) which has been served on all parties. Other interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275-7316.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

The exemption will be affective June 18, 1988 (unless stayed pending reconsideration). Petitions to stay and formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by May 31, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by June 8, 1988 with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Michael E. Roper, 701 Commerce Street, Dallas, TX 75202.

[1] *See Exemption of Rail Line Abandonments or Discontinuance—Offers of Financial Assistance*, 4 I.C.C.2d 164 (1987) and published at 52 FR 48440 (1987).

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc 88-11300 Filed 5-19-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-102 (Sub-No. 21X]

Missouri-Kansas-Texas Railroad Co.—Abandonment Exemption—In Grayson County, TX; Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 10.51-mile line of railroad between milepost P-662.54 at Denison and milepost P-673.05 at Sherman, in Grayson County, TX.

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commisison or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result form the abandonment. The Section of Energy and Environment (SEE) prepared an Environmental Assessment (EA) which has been served on all parties. Other interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275-7316.

As a condition to use of this exemption, (1) applicant shall comply with section 106 of the National Historic Preservation Act with respect to the Ray and Downtown Yards in Denison; and (2) any employee affected by the abandoment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment-Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

The exemption will be effective June 18, 1988 (unless stayed pending reconsideration). Petitions to stay and formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by May 31, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by June 8, 1988 with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Michael E. Roper, 701 Commerce Street, Dallas, TX 75202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab inition.*

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88-11299 Filed 5-19-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-102 (Sub-No. 22X)]

Missouri-Kansas-Texas Railroad Co.—Abandonment Exemption—In Grayson County, TX; Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 14.8-mile line of railroad between milepost D-659.5 at Denison and milepost D-674.3 near Bells, in Grayson County, TX.

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from the abandonment. The Section of Energy and Environment (SEE) prepared an Environmental Assessment (EA) which has been served on all parties. Other interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275-7316.

As a condition to use of this exemption, (1) Applicant shall comply with section 106 of the National Historic Preservation Act with respect to the Ray and Downtown Yards in Denison; (2) applicant should consult with the Texoma Regional Planning Commission prior to bridge removal; and (3) any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

The exemption will be effective June 18, 1988, (unless stayed pending reconsideration). Petitions to stay and formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by May 31, 1988, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by June 8, 1988 with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Michael E. Roper, 701 Commerce Street, Dallas, TX 75202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner

[1] *See Exemption of Rail Line Abandonments or Discontinuance-Offers of Financial Assistance,* 4 I.C.C. 2d 164 (1987) and published at FR 52 48440 (1987).

[1] *See Exemption of Rail Line Abandonments or Discontinuance—Offers of Financial Assistance,* 4 I.C.C.2d 164 (1987) and published at 52 FR 48440 (1987).

Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88–11298 Filed 5–19–88; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub-No. 62)]

Missouri Pacific Railroad Co., Abandonment; Butler County, KS

The Commission has issued a certificate authorizing the Missouri Pacific Railroad Company to abandon its 19.7-mile line of railroad between milepost 454.7 near Eldordo and milepost 474.4 near Whitewater, in Butler County, KS. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88–11302 Filed 5–19–88; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub-No. 63)]

Missouri Pacific Railroad Co.; Abandonment; Okmulgee, Okfuskee, Hughes, Pontotoc, Coal, Johnston, Atoka, and Brian Counties, OK

The Commission has found that the public convenience and necessity permit the Missouri Pacific Railroad Company to abandon its 123.6-mile line of railroad between milepost 174.0 near Henryetta and milepost 297.6 near Durant in Okmulgee, Okfuskee, Hughes, Pontotoc, Coal, Johnston, Atoka, and Brian Counties, OK.

A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower-left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88–11303 Filed 5–19–88; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub-No 64X)]

Missouri Pacific Railroad Co.; Abandonment Exemption; in Sumner County, KS

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 14.4-mile line of railroad between milepost 544.5 near Riverdale and milepost 558.9 near Conway Springs, in Sumner County, KS.

Applicant has certified (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from the abandonment. The section of Energy and Environment (SEE) prepared an Environmental Assessment (EA) which has been served on all parties. Other interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, see at (202) 275–7316.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

The exemption will be effective June 18, 1988 (unless stayed pending reconsideration). Petitions to stay and formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by May 31, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by June 8, 1988 with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

A copy of any petition filed with the Commission should be sent to applicant's representative:

Joseph D. Anthofer, Jeanna L. Regier, Room 130, 1416 Dodge Street, Omaha, NE 68179

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88–11304 Filed 5–19–88; 8:45 am]

BILLING CODE 7035–01–M

[1] *See Exemption of Rail Line Abandonments or Discontinuance-Offers of Financial Assistance*, 4 I.C.C.2d 164 (1987) and published at 52 F.R. 48440 (1987).

[Docket No. AB-244 (Sub-No. 1X)]

Oklahoma, Kansas And Texas Railroad Co.; Abandonment Exemption in Dickinson County, KS

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 7.5-mile line of railroad between milepost S–172.8 at North Herington and milepost S–180.3 at Woodbine, in Dickinson County, KS.

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from the abandonment. The Section of Energy and Environment (SEE) prepared an Environmental Assessment (EA) which has been served on all parties. Other interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275–7316.

As a condition to use of this exemption, (1) applicant should consult with the Kansas Fish and Game Commission prior to any salvage operations near Lyon Creek, and (2) any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

The exemption will be effective June 18, 1988 (unless stayed pending reconsideration). Petitions to stay and formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by May 31, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by June 8, 1988 with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

A copy of any petition filed with the Commission should be sent to applicant's representative:

Michael E. Roper, 701 Commerce Street, Dallas, TX 75202

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Decided: May 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioner Simmons concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 88–11305 Filed 5–19–88; 8:45 am]

BILLING CODE 7035-01-M

[1] *See Exemption of Rail Line Abandonments or Discontinuance—Offers of Financial Assistance*, 4 I.C.C.2d 164 (1987) and published at 52 F.R. 48440 (1987).

[Finance Docket No. 31278]

St. Louis Southwestern railway Co. Trackage Rights Exemption—Dallas area Rapid Transit; Exemption

Dallas Area Rapid Transit (DART) has agreed to grant trackage rights to St. Louis Southwestern Railway Company (SSW) over aline of railroad in Dallas and Collins Counties, TX, a total distance of approximately 18.89 miles. DART has agreed to grant bridge trackage rights to SSW between milepost 6.94 at GC & SF Overpass in Dallas and milepost 282.10 at Plano, TX. The trackage rights became effective on May 5, 1988.

A transaction relating to a similar grant of trackage rights to SSW's affiliate, Southern Pacific Transportation Company, is the subject of a notice of exemption filed in Finance Docket No. 31270, *Southern Pacific Transportation Company—Trackage Rights Exemption—Dallas Area Rapid Transit.*[1] This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the tranaction.

As a condition to use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: May 16, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–11294 Filed 5–19–88; 8:45 am]

BILLING CODE 7035-01-M

[1] In Finance Docket No. 31267, *Dallas Area Rapid Transit—Acquisition and Operation—Rail Lines of Southern Pacific Transportation Company*, DART filed a notice of exemption to acquire from SP and operate 34 miles of rail line, including the line that is the subject of the trackage rights grant here.

[Finance Docket No. 31270]

Southern Pacific Transportation Co.; Trackage Rights Exemption by Dallas Area Rapid Transit

Dallas Area Rapid Transit (DART) has agreed to grant trackage rights to Southern Pacific Transportation Company (SP) over certain lines of railroad in Dallas and Collins Counties, TX, a total distance of approximately 27.89 miles. DART has agreed to grant trackage rights to SP: (a) Between milepost 315.00 at Briggs Junction and milepost 305.76 at Rylie; and (b) between milepost 6.94 at GC & SF Overpass at Tenison Park in Dallas and milepost 282.10 at Plano, TX. The trackage rights became effective on April 28, 1988.

DART, a noncarrier, has filed concurrently a notice of exemption in Finance Docket No. 31267, *Dallas Area Rapid Transit—Acquisition and Operation Exemption—Rail Lines of Southern Pacific Transportation Company*, relating to DART's purchase and operation of 34 miles of line in Dallas and Collins Counties, TX, including the line that is the subject of the trackage rights grant here. The lines were expected to be purchased from SP on April 28, 1988.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Where a noncarrier that is purchasing a line acquires incidental trackage rights for purposes of facilitating its operations over the purchased line, that acquisition of incidental trackage rights is governed

by 49 U.S.C. 10901. *See Class Exemption-Acq & Oper. of R. Lines under 49 U.S.C. 10901,* 1 I.C.C.2d 810 (1985). As a result, the imposition of labor protective conditions is discretionary. A different situation exists where a seller is acquiring trackage rights over the line it has just sold. The latter trackage rights acquisition is governed by 49 U.S.C. 11343 and accordingly, the imposition of labor protective conditions is mandatory. While SP maintains that labor protection should not be imposed it implicitly has acknowledged that the trackage rights transaction is governed by section 11343, in filing its notice of exemption under 49 CFR 1180.2(d)(7).

Dated: May 13, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 11444 Filed 5-19-88; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Judgment Pursuant to the Clean Air Act; University of Massachusetts

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that a proposed Consent Judgment in *United States* v. *University of Massachusetts* has been lodged with the United States District Court for the District of Massachusetts. The consent judgment addresses alleged violations by the University of Massachusetts of the Clean Air Act in regard to its boiler plant at its Amherst, Massachusetts campus.

The proposed Consent Judgment requires the University of Massachusetts to pay a civil penalty of $20,000 and enjoins the University to comply with 310 C.M.R. Section 7.02 of the particulate matter emission limitations of the Massachusetts State Implementation Plan and the Clean Air Act, 42 U.S.C. 7401 *et seq.*

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Judgment. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *University of Massachusetts,* D.J. Ref. number 90-5-2-1-923.

The proposed Consent Judgment may be examined at the office of the United States Attorney, District of Massachusetts, 1107 John W. McCormack, Post Office and Courthouse, Boston, Massachusetts 02109, and at the Office of Regional Counsel, United States Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Rm. 2003, Boston, Massachusetts 02203. Copies of the Consent Judgment may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Ave., NW., Washington, DC 20530. A copy of the proposed Consent Judgment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please refer to the referenced case name and D.J. Ref. number.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-11370 Filed 5-19-88; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics

Consumer Price Index Housing Survey
1220-0034; BLS 222I, BLS 222R, BLS 222S, BLS 222NC, BLS 222.01 I/R BLS 222.02 I/R
Semiannually/annually
Individuals or households; Business or other for profit; Small businesses or organizations
112,357 responses; 13,841 hours; 6 forms

The Consumer Price Index (CPI) Housing Survey is the nation's chief source of information on change in both residential rent and shelter costs of owner occupants. The Housing Survey currently provides the measure of price change for about 20 percent of the CPI. The CPI is the nation's leading measure of inflation at the retail level. It is widely used to develop and to measure the success of national economic policy and to escalate both federal and private payments of many kinds. As part of the

1987 revision of the CPI, the Bureau of Labor Statistics (BLS) is making significant changes in its Housing Survey data collection methods. In particular, the procedures for collecting data are being rigidly structured to standardize the collection interview.

Extension

Occupational Safety and Health Administration

Powered Platforms for Exterior Maintenance
1218–0121;
On occasion
Businesses and other for-profit;
19,500 respondents; 243,750 burden hours; no forms

OSHA is requiring this information to be collected by employers for determining the cumulative maintenance status of a powered platform and for taking the necessary preventive action to assure employee safety.

Employment Standards Administration

Request for Earnings Information
1215–0112; LS–426
On occasion
Individuals or households
1,900 responses; 475 hours; 1 form

Report gathers information regarding an employee's average weekly wage. This information is required for determination of compensation benefits in accordance with section 10 of the Longshore and Harborworkers' Compensation Act.

Occupational Safety and Health Administration

Air Quality Record
On occasion
Businesses or other for profit; Small businesses or organizations
187,500 responses; 46,876 hour; 1 form

Underground construction employers are required to keep a record of air quality test results in order to identify decreasing oxygen levels or potentially hazardous concentrations of air contaminants in time to take corrective action prior to the attainment of hazardous conditions.

Signed at Washington, DC, this 17th day of May, 1988.

Paul E. Larson,

Departmental Clearance Officer

[FR Doc. 88–11401 Filed 5–19–88; 8:45 am]

BILLING CODE 4510–26–M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these deteminations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of evey contract for performance of the described work within the geogaphic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Govenment Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

Indiana
IN88–3 (Jan. 8, 1988)—p. 267
Missouri
MO88–10 (Jan. 8, 1988)—p. 656
Nebraska
NE88–1 (Jan. 8, 1988)—p. 670

Volume III

North Dakota
ND88–1 (Jan. 8, 1988)—p. 222
ND88–3 (Jan. 8, 1988)—p. 234
Nevada
NV88–1 (Jan. 8, 1988)—pp. 242, 246
NV88–2 (Jan. 8, 1988)—p. 260
NV88–3 (Jan. 8, 1988)—pp. 266–267
NV88–4 (Jan. 8, 1988)—pp. 272–280

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Deteminations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Govenment Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (202) 783-3238

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 13th day of May 1988.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 88-11172 Filed 5-19-88; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

[TA-W-20,426]

Allison Abrasive Co., Shelton, CT; Negative Determination Regarding Application for Reconsideration

By an application dated April 22, 1988, the United Steelworkers (USW) Local #6038 requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance. The initial petition was filed on behalf of workers at Allison Abrasive Company, Shelton, Connecticut. The denial notice was signed on March 17, 1988 and published in the **Federal Register** on March 25, 1988 (53 FR 9824).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union submitted packing lists from Korea indicating that the Shelton plant was importing abrasive wheels in May 1985. The union also submitted letters from the company dated May 17, 1985 and January 3, 1986 indicating a reduction in force.

The Department's denial was based on the fact that the "contributed importantly" test of the increased import criterion of the Group Eligibility Requirements of the Trade Act was not met. The Department's survey of the firm's customers, which accounted for over 100 percent of the firm's 1987 sales decline, showed that the import purchases of abrasive wheels were unimportant and did not contribute importantly to any employment declines at Shelton.

Investigative findings show that all domestic production was transferred to another company facility in Kentucky which increased its production of abrasive wheels substantially in 1987 by absorbing all of Shelton's production.

Company officials indicated that the imported abrasive wheels were general purpose wheels. Shelton's main business was in "made to order" wheels for specific customers. According to company officials, the imported wheels accounted for a negligible amount of Shelton's production in the brief time they were imported. The company ceased all imports in 1987 and currently obtains the general purpose wheel from domestic sources.

Increased imports and worker separations in 1985 and 1986 are beyond the scope of the Department's investigation under petition TA-W-20,426. Section 223(b)(1) of the Trade Act does not permit the certification of workers who were separated from employment more than one year prior to the date of the petition which in this case is January 15, 1988.

Conclusion

After review of the application and investigation findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 9th day of May 1988.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 88-11402 Filed 5-19-88; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-20,466]

PPG Industries, Inc., Tipton, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at PPG Industries, Incorporated, Tipton, Pennsylvania. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-20,466; PPG Industries, Incorporated, Tipton, Pennsylvania (May 9, 1988)

Signed at Washington, DC this 10th day of May 1988.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 88-11403 Filed 5-19-88; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than May 31, 1988.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1988.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 9th day of May 1988.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/worker/firm	Location	Date received	Date of petition	Petition No.	Articles produced
Baumgartner Resources Ltd. (Workers)	Englewood, CO	5/9/88	4/27/88	20,653	Crude Oil & Gas.
Bilt-Rite Juvenile (Workers)	Orangeburg, NY	5/9/88	4/26/88	20,654	Baby Strollers, Cribs & Playards.
Capri Textile Processors (ACTWU)	Fall River, MA	5/9/88	4/25/88	20,655	Dyeing & Printing Clothing Materials.
Florida Shoe, Inc. (Workers)	Miami, FL	5/9/88	4/27/88	20,656	Men's, Women's Children Shoes.
General Electric Co., CRTO, Bldg. 6 (Workers)	Syracuse, NY	5/9/88	4/25/88	20,657	Color Cathode Ray Tubes.
Hanson Textiles (Company)	Hatfield, PA	5/9/88	4/26/88	20,658	Dish Cloths.
International Heating Element (Workers)	Portland, ME	5/9/88	4/19/88	20,659	Water-Bed Heaters.
Mac Gregor Sand Knit (Workers)	Fox Lake, WI	5/9/88	4/26/88	20,660	Sportswear.
Max-Switch, EECO, Inc. (Workers)	Erwin, SD	5/9/88	4/25/88	20,661	Computer Keyboards.
New England MacKintoch (ILGWU)	Brockton, MA	5/9/88	4/29/88	20,662	Ladies' Coats.
P&E Woodworking (Workers)	Newport, WA	5/9/88	4/19/88	20,663	Wood Products.
Lee-Mar Shirt Co. (Workers)	Pulaski, TN	5/9/88	3/29/88	20,664	Boys' Shirts.
Summit Sportwear (ILGWU)	Stoughton, MA	5/9/88	5/2/88	20,665	Ladies' Skirts, Pants & Jackets.
Whirlpool Corp., Findlay Division (Workers)	Findlay, OH	5/9/88	4/29/88	20,666	Ranges and Dishwashers.

[FR Doc. 88-11414 Filed 5-19-88; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-88-59-C]

Cecil & Bob Coal Co., Inc., Petition for Modification of Application of Mandatory Safety Standard

Cecil & Bob Coal Company, Inc., P.O. Box 213, Cawood, Kentucky 40815 has filed a petition to modify the application of 30 CFR 75.206 (conventional roof support) to its Mine No. 5 (I.D. No. 15-12915) located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the width of openings be limited to 20 feet when only using conventional roof support.

2. As an alternative method, petitioner proposes to use a 26-foot width in the belt entry, a 24-foot width in the crosscuts and a 20-foot width in the aircourses.

3. In support of this request, petitioner states that the mine is using conventional roof control with the specified widths along with spot bolting and cribbing for adverse conditions. Full bolting is highly impractical in thin seams 25 inches to 30 inches, because it is difficult to transport miners and supplies. Bolting would take 1½ inches to 2 inches of the available clearance, creating an unsafe condition due to equipment snagging on protruding roof bolts.

4. Petitioner further states that the mining equipment used is an auger type continuous miner. This system is not designed to operate in 20-foot widths, which does not allow enough space to maneuver in the petitioner's mine. A 20-foot width would also restrict the mobility of the miners.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 20, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

May 10, 1988.

[FR Doc. 88-11404 Filed 5-19-88; 8:45 am]

BILLING CODE 4510-43-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-413 and 50-414]

Duke Power Co.; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-35 and NPF-52 issued to Duke Power Company, et al., (the licensee), for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The amendments would change Technical Specification (TS) 5.3.1 "Fuel Assemblies" to provide increased flexibility in the substitution of solid stainless steel rods and open water channels (i.e., vacancies) for fuel rods in reconstitutible fuel assemblies to be reinserted in the reactor core during a refueling outage. Presently, TS 5.3.1 requires that each fuel assembly contain 264 fuel rods clad with Zircaloy-4, except that limited substitutions of fuel rods with filler rods consisting of Zircaloy-4 or stainless steel, or by vacancies, may be made in peripheral fuel assemblies if justified by cycle-specific reload analyses. The revised TS

5.3.1 would require that each fuel assembly nominally contain 264 fuel rods clad with Zircaloy-4, except that substitutions of fuel rods by filler rods consisting of Zircaloy-4 or stainless steel, or by vacancies, may be made in fuel assemblies if justified by cycle-specific reload analyses using NRC-approved methodology. The proposed revision would also state that should more than 30 rods in the core, or 10 rods in any assembly, be replaced per refueling, a special report describing the number of rods replaced would be submitted to the Commission pursuant to Specification 6.9.2 within 30 days after cycle startup.

The increased flexibility associated with the proposed change results from removal of "limited substitutions" and "peripheral fuel assemblies." Under the proposed change, limitations on fuel rod substitutions or omissions and limitations regarding core locations are those implicit in the justifying analyses required to be performed by the licensee for each fuel cycle using NRC-approved methodology to demonstrate that existing design limits and safety analyses continue to be met. The proposed flexibility is intended to provide for improved fuel performance by permitting timely removal of individual fuel rods which are found during a refueling outage to be leaking. The requirement for special report is proposed in response to the NRC's request to be informed in the event a significant deviation from past fuel performances should be observed during a refueling outage.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 20, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW. Washington, DC, by the above date.

Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–800–325–6000 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to David B. Matthews, Director; Project Directorate II–3; (petitioner's name and telephone number; (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated April 1, 1988, which modifies a letter of February 5, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Dated at Rockville, Maryland, this 13th day of May 1988.

For the Nuclear Regulatory Commission.

David B. Matthews, Director,

Project Directorate II–3, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88–11358 Filed 5–19–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-508]

Washington Public Power Supply System, Pacific Power and Light Co., et al.; Washington Public Power Supply System Nuclear Project No. 3; Order Extending Construction Completion Date

Washington Public Power Supply System (Portland General Electric Company, Puget Sound Power and Light Company, The Washington Water Power Company) is the current holder of Construction Permit No. CPPR-154, issued by the Nuclear Regulatory Commission on April 11, 1978, for construction of WPPSS Nuclear Project No. 3 (WNP-3). The facility is presently under construction at the applicant's site in southeastern Grays Harbor County, Washington.

On November 2, 1984, the Washington Public Power Supply System (WPPSS or the applicant) filed a request for an extension of the completion date. On March 10, 1986, the applicant requested a revision to the date requested in the earlier submittal. The extension has been requested because construction has been delayed by the following events:

1. The temporary lack of demand for the energy to be produced by WNP-3;
2. The temporary inability to finance the continued construction from Bonneville Power Administration (BPA) revenues;
3. Recommendations of the BPA to WPPSS that the construction restart be delayed until 1994 due to the latest regional planning;
4. The allowance of a 54-month construction period to complete WNP-3 and a margin of uncertainties such as those associated with regional load growth or time to startup the project to full construction making a revised construction completion date of July 1, 1999.

Although the applicant has not submitted a specific request to have WNP-3 be made a deferred plant pursuant to the Commission's Policy Statement on Deferred Plants, 52 FR 38077, October 14, 1987, it has provided all the information necessary to allow the staff to conclude that WNP-3 is a deferred plant. Accordingly, the NRC staff has determined that WNP-3 is a deferred plant as defined by the Commission in the policy and that it is, therefore, subject to any applicable provisions of the policy set forth there.

Good cause has been shown for the delays; the causes were beyond the control of the applicant; and the requested extension is for a reasonable period, the bses for which are set forth in the staff's evaluation of the request for extension.

Pursuant to 10 CFR 51.32, the Commission has determined that extending the construction completion date will have no significant impact on the environment (53 FR 16799 dated May 11, 1988).

The NRC staff safety evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555 and at the Local Public Document Room at W. H. Memorial Library, 125 Main Street, South, Montesano, Washington 28523.

It Is Hereby Ordered That the latest completion date for Construction Permit No. CPPR-154 is extended from January 1, 1985 to July 1, 1999.

Date of Issuance: May 16, 1988.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Director, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 88-11359 Filed 5-19-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-267]

Public Service Company of Colorado (Fort St. Vrain Nuclear Generating Station); Exemption

I

Public Service Company of Colorado (PSC or the licensee) is the holder of Facility Operating License No. DRP-34 which authorizes the operation of the Fort St. Vrain Nuclear Generating Station (the facility) at a steady-state power level not in excess of 842 megawatts thermal. This license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission or the staff) now or hereafter in effect. The facility is a high temperature gas-cooled reactor (HTGR) located at the licensee's site in Weld County, Colorado.

II

The 10 CFR 50.48, "Fire Protection," and Appendix R to 10 CFR Part 50, "Fire Protection Program for Nuclear Facilities Operating Prior to January 1, 1979" set forth certain fire protection features required to satisfy the General Design Criterion related to fire protection (Criterion 3, Appendix A to 10 CFR Part 50).

Section III.G of Appendix R requires fire protection for equipment important to post-fire shutdown. Such fire protection is achieved by various combinations of fire barriers, fire suppression systems, fire detectors, and separation of safety trains (III.G.2) or alternate post-fire shutdown equipment free of the fire area (III.G.3). The objective of this protection is to assure that one train of equipment needed for hot shutdown would be undamaged by fire, and that systems needed for cold shutdown could be repaired within 72 hours (III.G.1).

Section III.J of Appendix R requires emergency lighting units with at least an 8-hour battery power supply be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto.

III

By letters dated November 10 and December 17, 1984, and January 17 and April 1, 1985, the licensee provided details of their fire protection program and requested approval of a number of exemptions from the technical requirements of Sections III.G and III.J of Appendix R to 10 CFR Part 50. Additional correspondence on this subject is referenced in the Commission's concurrently issued Safety Evaluation. A description of the exemptions requested and a summary of the Commission's evaluation follows.

Exemption Requested

The licensee requested an exemption from III.G for the Three Room Control Complex and Diesel Generator Rooms from having 3-hour rated fire dampers, doors, and penetration seals.

The staff's principal concern was in the event of a fire of significant magnitude, products of combustion would pass through the wall and damage redundant/alternate post-fire shutdown systems on the other side. However, the areas on both sides of these walls are protected by automatic fire detection systems. These systems alarm in the Control Room. The staff therefore expects that any potential fire would be detected in its incipient stage before significant flame spread or room temperature rise occurred. The plant fire brigage would then be dispatched and would put out the fire using manual fire fighting equipment. If rapid fire spread occurred, the automatic fire suppression systems would actuate to control the fire and reduce ambient temperature rise. Until this occurred, the existing walls which surround these areas would act to confine the effects of the fire to the area of origin. Because openings exist in the walls, the staff expects a quantity of smoke and hot gases to pass through them and enter the adjoining locations. The smoke would be so dissipated and

the hot gases cooled to the point where they would not represent a significant threat to post-fire shutdown systems outside of the fire area. On this basis, the staff concludes that the licensee's alternate fire protection configuration, with the proposed modifications, will achieve an acceptable level of fire safety equivalent to that provided by Section II.G.2.

The special circumstances of 10 CFR 50.12 apply in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The purpose of the 3-hour barrier is to protect redundant trains of safe shutdown equipment. However, this would be achieved as discussed above. Thus, the underlying purpose of the rule would be satisfied without installing the required 3-hour rated dampers, doors and penetration seals.

Exemption Requested

The licensee requested exemption from III.G.3 for the Control Room from having a fire detection system installed throughout this fire area.

The staff's principal concern is that because of the absence of an areawide fire detection system, a fire could develop which would damage shutdown systems to the extent that the plant could not be safely shut down after the fire. However, the Control Room is continuously manned and automatic smoke detectors are located in the Control Room cabinets and consoles. There is reasonable assurance that a fire would be detected and suppressed by the Control Room operators or the plant fire brigade before significant damage occurred. If a serious fire developed, the existing halon fire suppression system would be manually actuated to put out the fire or control it until the plant fire brigade arrived. If such a fire caused the loss of redundant post-fire shutdown systems, the Alternate Cooling Method is available to bring the plant to a safe shutdown condition. Therefore, an areawide fire detection system in the Control Room is not necessary to provide reasonable assurance that a fire would be detected and post-fire shutdown capability maintained free of fire damage.

On this basis, the staff concludes that the licensee's alternate fire protection configuration provides an acceptable level of fire safety equivalent to that provided by Section III.G.3.

The special circumstances of 10 CFR 50.12 apply in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The purpose of the areawide fire detection is to minimize the potential for damaging all equipment within a fire area. However, this would be essentially achieved as discussed above. Thus, the underlying purpose of the rule would be satisfied without installing areawide fire detection in the control room.

Exemption Requested

The licensee requested exemption from III.G.2; for the Turbine Building from having a fire detection system installed throughout this fire area.

The staff's principal concern with this exemption was that a fire of significant magnitude could develop and damage systems needed to safely shut down the plant. However, a fire detection system will be installed throughout every elevation of this fire area that does contain post-fire shutdown systems. If a fire should occur in these locations, it is expected to be detected by the system. An alarm would be transmitted automatically to the Control Room and the fire brigade would subsequently be dispatched. The brigade would put out the fire using manual fire fighting equipment. If fire should break out on the operating floor or the upper elevations of the Access Control Bay, it would be discovered, after some time delay, by plant operators or the security force. Until the arrival of the fire brigade, there are no post-fire shutdown systems that could be damaged by fire in these locations. Therefore, an areawide fire detection system is not necessary to provide reasonable assurance that a post-fire shutdown capability will remain free of fire damage.

On this basis, the staff concludes that the licensee's alternate fire protection configuration, with the proposed modifications, will achieve an acceptable level of fire safety equivalent to that provided by Section III.G.2.

The special circumstances of 10 CFR 50.12 apply in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The purpose of the areawide fire detection is to minimize the potential for damaging all equipment within a fire area. However, this would be essentially achieved as discussed above. Thus, the underlying purpose of the rule would be satisfied without installing areawide fire detection in the Turbine Building.

Exemption Requested

The licensee requested exemption from III.G.2 for the Access Control Bay from having redundant post-fire shutdown systems adequately separated, and the area protected by automatic fire detection and suppression systems.

The staff's principal concern was that because of the relative proximity of the reactor plant exhaust fans, a fire of significant magnitude would damage redundant post-fire shutdown systems to such an extent that safe shutdown could not be achieved and maintained.

However, the fire load in this location is not significant, with combustible materials dispersed throughout the elevation. If a fire should occur, it would be detected by the fire detection system in its incipient stages before significant flame propagation or room temperature rise occurred. The fire brigade would then be dispatched and would put out the fire using manual fire fighting equipment. Pending arrival of the brigade, the effects of the fire would be mitigated because the smoke and hot gases would rise up into the high celing area, which would tend to act as a heat sink. Also, the fan motors and related cables would be shielded from the effects of a fire by the metal fan enclosures. Nevertheless, if a fire did result in damage to both reactor plant exhaust fans, the licensee will be able to recover from this damage by relying upon a chiller unit and recirculation fan that is located in a separate fire area. Therefore, the absence of a fixed fire suppression system is not necessary to provide reasonable assurance that safe shutdown can be achieved and minatined.

On this basis, the staff concludes that the licensee's alternate fire protection configuration, plus the proposed modifications, will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.3.

The special circumstances of 10 CFR 50.12 apply in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The purpose of the rule is to provide adequate protection for the redundant shutdown equipment. However, in this case the equipment is already adequately protected, and redundant equipment exists in another fire area. Thus, the underlying purpose of the rule would be satisfied without requiring equipment separation and automatic fire detection and suppression.

Exemption Requested

The licensee requested exemption from III.G.2 and III.G.3 for Outside Areas-Exterior Routing and the Turbine/Reactor Building Common Wall from the requirement for a 3-hour fire barrier to

separate redundant (alternate) post-fire shutdown systems.

The staff's principal concern was that a fire of significant magnitude may result in damage to components associated with the normal post-fire shutdown systems and the alternate cooling method (ACM).

If a fire were to occur in the above referenced outside locations, a potential exists for components associated with the ACM to be damaged. However, because there areas are located outside and away from the normal post-fire shutdown systems located within the Turbine Building, the products of combustion or radiant energy from such a fire should not affect the normal systems. Smoke and hot gases would tend to be dissipated in the open air. Radiant energy would be mitigated by the intervening open space and by the exterior walls of the Turbine Building. Similarly, if a fire were to occur inside the Turbine or Reactor Building, the fire should be detected by the automatic fire detection system or by plant operators or the security force. The fire would either be extinguished manually by the plant fire brigade or by the automatic fire suppression systems. Because these locations are large open plant areas, the smoke and hot gases from such a fire might spread within each area. But it is the staff's judgment that the metal and masonry walls which bound these fire areas are capable to a significant extent of confining the effects of the fire to the immediate fire area, until the fire is extinguished. Because these walls are not all fire-rated, some products of combustion may spread beyond them. However, the smoke and hot gases would be cooled and dissipated so that there will be no threat to the redundant/alternate post-fire shutdown systems in the adjoining fire areas. Therefore, complete 3-hour rated fire walls are not necessary to provide reasonable assurance that safe shutdown conditions could be achieved and maintained with undamaged post-fire shutdown systems in the other fire areas.

On this basis, the staff concludes that the licensee's alternate fire protection configuration will achieve an acceptable level of fire safety equivalent to that achieved by compliance with Sections III.G.2 and III.G.3.

The special circumstances of 10 CFR 50.12 apply in that application of the regulation in the particular circumstancs is not necessary to achieve the underlying purpose of the rule. The purpose of the rule is to provide adequate protection and separation for alternate/redundant post-fire shutdown equipment. However, in the case the equipment is already adequately separated. Thus, the underlying purpose of the rule would be satisfied without installing 3-hour rated fire barriers.

Exemption Requested

The licensee requested exemption from III.G.2 for Alternate Cooling Method/Congested Cable Area Interface from having redundant post-fire shutdown systems adequately separated and the area protected by automatic fire detection and suppression systems.

The staff's principal concern with the level of fire safety in these locations was that a fire of significant magnitude might damage systems associated with both the normal post-fire shutdown capability and the alternate cooling method. There is no major unmitigated fire hazard in these locations. The only significant hazard which would represent a threat to post-fire shutdown systems is the concentration of combustible insulation on the cables. However, these cable concentration areas are protected by automatic sprinkler systems. The suppression systems along the "G" and "J" walls were originally designed for manual actuation. However, at the staff's request, the licensee converted these systems to automatic actuation. Additionally, the interface areas will be protected by an automatic fire detection system. As a result, any potential fire should be detected early, before significant fire propagation or room temperature rise occurs. The fire would then be extinguished by the plant fire brigade using manual fire fighting equipment. If rapid fire spread occurred, the automatic wet pipe sprinkler systems should actuate and limit fire spread, moderate room temperature rise, and protect the post-fire shutdown cables along the "G" and "J" walls. Until the arrival of the brigade, the spatial separation between post-fire shutdown systems provides passive protection to prevent damage to redundant/alternate post-fire shutdown systems. For those systems which are not sufficiently separated, the licensee has identified alternate means of achieving and maintaining safe shutdown that would not be affected by a fire.

On this basis, the staff concludes that the licensee's alternate fire protection configuration, with proposed modifications, will achieve an acceptable level of fire safety equivalent to that achieved by compliance with Section III.G.2.

The special circumstances of 10 CFR 50.12 apply in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The purpose of the rule is to provide adequate protection for the redundant shutdown equipment. However, in this case, the equipment is already adequately protected. Thus, the underlying purpose of the rule would be satisfied without requiring equipment separation and automatic fire detection and suppression.

Exemption requested

The licensee requested exemption from the III.J requirement that emergency light be powered by individual 8-hour batteries packs.

The staff had two concerns with the proposed emergency lighting system in these buildings. The first was that a sufficient number of lights would not be installed so as to provide an adequate level of illumination. However, all essential valves and equipment components requiring manual operator actions, and access and egress routes thereto, will be covered by the local zone lighting plus spot beams from adjacent zones. In addition, the licensee committed to verify the adequacy of the illumination by conducting a field walkdown with plant operators to confirm the adequacy of the number, locations, and positioning of the lights.

The second concern was that a fire could damage the power supply to the emergency lighting. However, the new system is designed in such a manner that fire in any one zone would not affect the emergency lighting in adjacent zones. Therefore, individual 8-hour batteries for each emergency light not necessary to provide reasonable assurance that sufficient emergency lighting would be available to complete safe shutdown functions after a fire.

On this basis, the staff concludes that the licensee's alternate configuration will achieve an acceptable level of safety equivalent to that achieved by compliance with Section III.J.

The special circumstance of 10 CFR 50.12 apply in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The proposed emergency lighting system provides an adequate level of illumination and is adequately protected against fire damage. Thus, the underlying purpose of the rule would be satisfied without installing 8-hour battery packs.

Exemption Requested

The licensee requested exemption from III.G.2 for the Reactor Building from having redundant post-fire shutdown systems adequately separated

and the area protected by automatic fire detection and suppression systems.

The staff's principal concern was that a fire of significant magnitude would damage systems associated with redundant post-fire shutdown methods. However, the major fire hazards in this area are covered by an automatic fire suppression system. Consequently, a fire involving these hazards would be mitigated by the system. Remaining combustible materials are generally dispersed throughout the remainder of the area. As a result, a fire involving these materials would be of limited magnitude and extent and characterized initially by low flame propagation and ambient temperature rise.

If a fire did occur, it would be detected early by the fire detection systems. Where no detectors have been provided above the refueling floor, no shutdown systems exist. Upon actuation of the detection system or discovery of the fire by plant personnel, the Control Room would be notified and the fire brigade dispatched. The fire would then be either suppressed manually using portable fire fighting equipment, or automatically if the fire originated in the sprinkler area. Until the fire is controlled, the spatial separation between post-fire shutdown systems which in part extends over more than one floor elevation, will provide reasonable assurance that a post-fire shutdown capability will remain free of fire damage.

On this basis, the staff concludes that the licensee's alternate fire protection configuration, with the committed modifications, will provide an acceptable level of fire safety, equivalent to that achieved by compliance with Section III.G.2.

The special circumstances of 10 CFR 50.12 apply in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The purpose of the rule is to provide adequate protection for the redundant shutdown equipment. However, in this case the equipment is already adequately protected. Thus, the underlying purpose of the rule would be satisfied without requiring equipment separation and automatic fire detection and suppression.

Exemption Requested

The licensee requested exemption from III.G.2 for the Turbine Building from having redundant post-fire shutdown systems adequately separated and the area protected by automatic fire detection and suppression systems.

The staff's principal concern was that a fire of significant magnitude would damage systems associated with redundant post-fire shutdown methods. However, the major fire hazards in this area are covered by an automatic fire suppression system, or are separated by fire walls, or both. Consequently, a fire involving these hazards would be mitigated by the protection systems. Remaining combustible materials are generally dispersed throughout the remainder of the area. As a result, a fire involving these materials would be of limited magnitude and extent. It would be initially characterized by low flame propagation and ambient temperature rise.

If a fire did occur, it would be detected early by the fire detection system. Where no detectors have been provided, no shutdown systems exist. Upon actuation of the detection system or discovery of the fire by plant personnel, the Control Room would be notified and the fire brigade dispatched. The fire would then be either suppressed manually using portable fire fighting equipment, or automatically if the fire originated in a sprinkler area. Until the fire is controlled, the spatial separation between post-fire shutdown systems, which in part extends over more than one floor elevation, will provide reasonable assurance that a post-fire shutdown capability will remain free of fire damage.

On this basis, the staff concludes that the licensee's alternate fire protection configuration with the committed modifications will provide an acceptable level of fire safety equivalent to that achieved by compliance with Section III.G.2.

The special circumstances of 10 CFR 50.12 apply in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The purpose of the rule is to provide adequate protection for the redundant shutdown equipment. However, in this case, the equipment will be adequately protected. Thus, the underlying purpose of the rule would be satisfied without requiring equipment separation and automatic fire detection and suppression.

Exemption Requested

The licensee requested exemption from III.G.2 for Buidling 10 from the requirement that structural steel which is part of a fire boundary be protected to achieve a 3-hour fire barrier rating.

The staff's principal concern is that the steel wall separates two rooms which contain redundant post-fire shutdown systems. The rooms on both sides of this wall are equipped with an automatic fire detection system. If a fire should occur, it would be detected in its formative stages before significant temperature rise occurs. The fire would then be put out manually using portable fire extinguishers. If rapid fire spread occurred, the automatic fire suppression system should actuate to control the fire. The system has sufficient extinguishing agent for a manually initiated second discharge if the fire was not completely extinguished after the first discharge. Until the fire is extinguished, and considering the low fire loading (equivalent to a 15-minute duration on the ASTM E–119 time temperature curve), it is the staff's judgment that the unprotected steel will remain undamaged and the integrity of the fire wall will be maintained. On this basis, the staff concludes that the licensee's fire protection configuration will provide an equivalent level of fire safety to that achieved by compliance with Section III.G.2.

The special circumstances of 10 CFR 50.12 apply in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. In this case, the low fire loading and the presence of manual and automatic fire suppression equipment minimize the threat to the steel fire barrier. Thus, the underlying purpose of the rule would be satisfied without upgrading the steel wall to a 3-hour fire rating.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission has further determined that special circumstances, as set forth in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption, namely that the application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. Specifics are discussed in each exemption request, but in general the underlying purpose of the rule is to accomplish safe shutdown in the event of a single fire and maintain the plant in a safe condition. This is accomplished by assuring that sufficient undamaged equipment is available to support safe shutdown, assuming a fire within the area of concern. In the areas for which an exemption is being requested, passive as well as active fire protection features assure that any single fire will not result in the loss of safe shudown capability. These features include separation distance, fire

barriers, sealed penetrations, water spray or halon systems to preclude propagation, and manual actions. The fire protection features, in conjunction with low combustible loadings, provide a high degree of assurance that a single fire will not result in loss of post-fire shutdown capability. At this time, the licensee has not completed all of the modifications upon which these exemptions are based. However, the licensee has in place acceptable compensatory measures and is committed to the timely completion of the committed modifications.

Accordingly, the Commission hereby grants the exemptions from the requirements of 10 CFR Part 50, Appendix R as described in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (52 FR 36319).

The Safety Evaluation concurently issued and related to this action and the above referenced submittals by the licensee are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Greeley Public Library, City Complex Building, Greeley, Colorado.

This Exemption is effective upon issuance.

Dated at Rockville, Maryland this 10th day of May 1988.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Director, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88-11360 Filed 5-19-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-483]

Union Electric Co.; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-30, issued to Union Electric Company, (the licensee), for operation of the Callaway Plant located in Callaway County, Missouri.

The amendment would increase the allowed flow variations of the control room emergency ventilation system, filtration air handling units, pressurization air handling units, and pressurization filter units. The amendment would also reduce the control room pressurization requirement from ¼ inch water gauge to ⅛ inch water gauge.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 20, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Kenneth E. Perkins: Petitioner's name and telephone number; date petition was mailed; plant name; and publication data and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public

comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated March 25, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Callaway County Public Library 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Dated at Rockville, Maryland, this 12th day of May 1988.

For the Nuclear Regulatory Commission.

M.D. Lynch,

Acting Director, Project Directorate III–3, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 88–11361 Filed 5–19–88; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–25699; File No. SR–NSCC–88–3]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by National Securities Clearing Corp.; Relating to an Interpretation of National Securities Clearing Corporation's ("NSCC") Clearing Fund Rule

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 27, 1988 NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change is an interpretation of NSCC's Clearing Fund Rule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. The purpose of the proposed rule change is to clarify, through an interpretation, the application of the Clearing Fund and to specifically designate the services for which the Corporation guarantees the completion of transactions. The interpretation specifies that certain CNS and balance order transactions are guaranteed by the Corporation as well as certain envelope deliveries made pursuant to Rule 9 and designates these as "systems" for the purposes of Rule 4.

The interpretation clarifies that while losses arising in ISCC are first to be satisfied out of ISCC's Clearing Fund, if all Members have terminated their business with ISCC and an ISCC loss remains unpaid, any such loss may be satisfied out of NSCC's Clearing Fund. Such use would support NSCC's guarantee of ISCC's obligations, the terms of which guarantee are set forth as Exhibit "B" hereto. The interpretation further clarifies that the entire Clearing Fund is available to satisfy any liabilities of NSCC which are not first satisfied by users of the Fund/Serv Service.

The proposed rule change clarifies the use of the Clearing Fund and therefore will enable NSCC to better protect itself against losses. The proposed rule change will ultimately provide protection of investors and public interest and is therefore consistent with the requirements of the Securities Exchange Act of 1934, as amended, ("the Act").

B. *Self-Regulatory Organization's Statement on Burden on Competition.* NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. *Self-Regulatory Organizaiton's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or others.* Comments on the proposed rule change have not been solicited or received. NSCC will notify the Securities and Exchange Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 10, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–11408 Filed 5–19–88; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0208]

Hidden Oaks Financial Services, Inc.; Issuance of a Small Business Investment Company License

On March 17, 1988, a notice was published in the **Federal Register** (53 FR 52) stating that an application had been filed by Hidden Oaks Financial Services, Inc., with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1988)) for a license to operate as a small business investment company.

Interested parties were given until the close of business April 16, 1988, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA

issued License No. 05/05–0208 on May 11, 1988, to Hidden Oaks Financial Services, Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 16, 1988.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 88–11413 Filed 5–19–88; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–88–18]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: June 9, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–10), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on May 12, 1988.

Denise D. Hall,

Manager, Program Management Staff.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
25024	University of Illinois Institute of Aviation.	14 CFR Part 141, Appendixes A, C, D, F, and H.	To extend Exemption No. 4719 that allows petitioner to train its students to a performance standard in lieu of meeting minimum flight time requirements.
23936	R. A. Clark Westinghouse Defense & Electronics Systems Co. (DESCO).	101.12(a)(2) & (a)(4)	Petitioner requests reissuance of exemption from Part 101 to permit continued testing of tethered aerostats more than 500 feet above the surface of the earth and within 5 miles of the boundary of the airport.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
20090	Sierra Academy of Aeronautics	14 CFR 61.63(d)(2) and (3); 61.157(d)(1) and (2); Appendix A of Part 61.	To extend Exemption No. 2963, as amended, that allows petitioner to use FAA-approved simulators to meet certain training and testing requirements of the FAR. *GRANT, April 29, 1988, Exemption No. 2963G.*
20549	Boeing Commercial Airplane Co.	14 CFR portions of Parts 21 and 25.	To amend Exemption No. 3035 to remove the reference to specific air carriers, thereby permitting operation of certain Boeing 747 airplanes by any foreign air carrier with the flap position indicator in the lower left-hand corner of the pilot's center instrument panel and with the servo altimeter configured with dial markings at 50-foot increments rather than 20-foot increments. *GRANT, April 19, 1988, Exemption No. 3035F.*
21350	The Coastal Corporation	14 CFR 61.58(c)(1)	To extend Exemption No. 4644 that permits petitioner's pilots in command (PIC) of BAC 1–11 aircraft to complete the entire 24-month PIC check in an FAA-approved visual simulator provided that the pilot taking the flight check has completed three takeoffs and three landings within the preceding 90 days in a BAC 1–11 aircraft. *GRANT, April 29, 1988, Exemption No. 4644A.*
23336	Simulator Training, Inc.	14 CFR 61.63(d)(2) and (3); 61.157(d)(1) and (2); and Appendix A to Part 61.	To amend Exemption No. 4797, as amended, that allows petitioner and persons who contract for services from petitioner who are applicants for an airline transport pilot certificate or are applying for a type rating to be added to their pilot certificate to use FAA-approved simulators to completion a portion of the training and testing requirements of §§ 61.63(d)(2) and (3) and 61.157(d)(1) of the FAR. *GRANT, April 29, 1988, Exemption No. 4797C.*
24413	Flight Training International	14 CFR 61.63(d)(2) and (3); 61.157(d)(1) and (2) and (e)(1) and (2); Appendix A of Part 61; and Appendix H of Part 121.	To extend Exemption No. 4327, as amended, that allows petitioner and persons who contract for services from petitioner to use FAA-approved simulators to meet certain training and testing requirements of the FAR. *GRANT, April 29, 1988, Exemption No. 4327D.*

[FR Doc. 88–11315 Filed 5–19–88; 8:45 am]

BILLING CODE 4910–13–M

Federal Railroad Administration

Petition for Exemption or Waiver of Compliance; Long Island Rail Road

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for an exemption from or waiver of compliance with a requirement of its safety standards. The petition is described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning this proceeding should identify the appropriate docket number (e.g., Waiver Petition Docket Number RST–84–21) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received before July 6, 1988 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning this proceeding are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

The individual petition seeking an exemption or waiver of compliance are as follows:

The Long Island Rail Road

[Waiver Petition Docket Number LI–87–2]

The Long Island Rail Road (LIRR) seeks a temporary waiver of compliance with a provision of the Locomotive Safety Standards (49 CFR Part 229) for 140 of its fleet of 172 locomotives.

The temporary waiver sought by the LIRR would permit the continued use of 140 locomotives with overdue 24-month air brake work. The relief is requested for a period of 10 months. The time extension is needed because the LIRR has encountered extensive delays in delivery of replacement air brake portions. Many air brake components ordered in the spring of 1986 have not yet been received.

The delay in delivery of the air brake equipment is due to the relocation of WABCO's passenger air brake equipment division from Wilmerding, Pennsylvania, to Spartanburg, South Carolina.

Issued in Washington, DC, on May 2, 1988.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 88–11341 Filed 5–19–88; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 13–88]

Treasury Bonds of 2018

May 13, 1988.

The Secretary announced on May 12, 1988, that the interest rate on the bonds designated Bonds of 2018, described in Department Circular—Public Debt Series—No. 13–88 dated May 5, 1988, will be 9⅛ percent. Interest on the bonds will be payable at the rate of 9⅛ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 88–11382 Filed 5–19–88; 8:45 am]

BILLING CODE 4810–40–M

[Amdt. To Department Circular—Public Debt Series—No. 11–88]

Treasury Notes, Series S–1991

May 11, 1988.

Department of the Treasury Circular, Public Debt Series—No. 11–88, dated May 5, 1988, as supplemented, descriptive of the 8⅛ percent Treasury Notes of Series S–1991, is hereby amended, effective May 16, 1988, to issue the Notes as an additional issue of the 8⅛ percent Treasury Notes of Series J–1991 (CUSIP No. 912827 TJ 1), as described in Department of the Treasury Circular, Public Debt Series—No. 11–86, dated February 19, 1986, as supplemented. The provision in Department of the Treasury Circular, Public Debt Series—No. 11–88, for a $5,000 minimum denomination on the Series S–1991 notes will have no effect following the merger of the two issues. Both the original and the additional issue of the 8⅛ percent Notes will have a $1,000 minimum denomination and will mature on May 15, 1991.

The additional issue of the 8⅛ percent Treasury Notes of Series J–1991 will accrue interest from May 15, 1988, and payment for the Notes will be calculated on the basis of the auction price determined in accordance with Department of the Treasury Circular, Public Debt Series—No. 11–88, plus accrued interest from May 15, 1988, to May 16, 1988, in the amount of $0.22079 per $1,000 of notes allotted.

The Notes will be issued only in book-entry form in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the *Treasury Direct* Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

Registered definitive securities tendered in payment for the Notes allotted and to be held in *Treasury Direct* are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in *Treasury Direct* must be completed to show all the information required thereon, or the *Treasury Direct* account number previously obtained.

Otherwise, the Notes are as described in the following excerpt from Department of the Treasury Circular, Public Debt Series—No. 11–86:

2.1. The Notes will be dated March 5, 1986, and will accrue interest from that date, payable on a semiannual basis on November 15, 1986, and each subsequent 6 months on May 15 and November 15 through the date that the principal becomes payable. They will mature May 15, 1991, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

The foregoing amendment was effected under authority of Chapter 31 of Title 31, United States Code. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States is involved.

Gerald Murphy,

Fiscal Assistant Secertary.

[FR Doc. 88-11384 Filed 5-19-88; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 11-88]

Treasury Notes, Series S-1991

May 11, 1988.

The Secretary announced on May 10, 1988, that the interest rate on the notes designated Series S-1991, described in Department Circular—Public Debt Series—No. 11-88 dated May 5, 1988, will be 8⅛ percent. Interest on the notes will be payable at the rate of 8⅛ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 88-11385 Filed 5-19-88; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 12-88]

Treasury Notes, Series B-1998

May 12, 1988.

The Secretary announced on May 11, 1988, that the interest rate on the notes designated Series B-1998, described in Department Circular—Public Debt Series—No. 12-88 dated May 5, 1988, will be 9 percent. Interest on the notes will be payable at the rate of 9 percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 88-11383 Filed 5-19-88; 8:45 am]

BILLING CODE 4810-40-M

Customs Service

[T.D. 88-26]

Accreditatiion of a Commercial Laboratory; Core Laboratories

AGENCY: Customs Service, Treasury.

ACTION: Notice of accreditation of a commercial laboratory.

SUMMARY: Pursuant to § 151.13, Customs Regulations (19 CFR 151.13), Core Laboratories, 8210 Mosley Road, Houston, Texas 77075, has applied to Customs for accreditation to analyze imported petroleum and petroleum products for certain characteristics. Customs has determined that Core Laboratories meets all of the requirements for accreditation.

Accordingly, Core Laboratories is hereby accredited to analyze imported petroleum and petroleum products for the following characteristics: API gravity, Sediment and Water, and distillation characteristics in compliance with the Customs Regulations (19 CFR Chapter I) in all Customs districts.

EFFECTIVE DATE: May 2, 1988.

FOR FURTHER INFORMATION CONTACT: Roger J. Crain, Office of Technical Services, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-2446).

Dated: May 13, 1988.

John B. O'Loughlin,

Director, Office of Technical Services.

[FR Doc. 88-11378 Filed 5-19-88; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 88-25]

Approval of a Commercial Gauger; Dahl & Co., Inc.

AGENCY: Customs Service, Treasury.

ACTION: Notice of approval as a commercial gauger.

SUMMARY: Pursuant to §151.13, Customs Regulations (19 CFR 151.13), Dahl & Company, Inc., 214 N. Gulf Blvd. (P.O. Box 1121), Freeport, Texas 77541, has applied to Customs for approval to gauge imported petroleum and petroleum products and bulk liquid organic chemicals. Customs has determined that Dahl & Co. meets all of the requirements for approval.

Accordingly, Dahl & Company, Inc. is hereby approved to gauge imported petroleum and petroleum products and bulk liquid organic chemicals in all Customs districts.

EFFECTIVE DATE: May 2, 1988.

FOR FURTHER INFORMATION CONTACT: Roger J. Crain, Office of Technical Services, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-2446).

Dated: May 11, 1988.

John B. O'Loughlin,

Director, Office of Technical Services.

[FR Doc. 88-11379 Filed 5-19-88; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

Receipt of Cultural Property Request From the Government of Bolivia and Amendment to Agenda of Closed Meeting of the Cultural Property Advisory Committee

Pursuant to section 303(f)(1) of the Cultural Property Implementation Act (19 U.S.C. 2602(f)(1)), notice is hereby given that the United States Government is in receipt of a request under section 303(a)(3) from the Government of Bolivia, a State Party to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The request from Bolivia is for U.S. import restrictions on certain endangered ethnological material to assist Bolivia in protecting its cultural patrimony.

Bolivia's request will be referred to the Cultural Property Advisory Committee for review at its meeting on May 19-20. The Cultural Property Advisory Committee meeting to be held in Room 840, 301 Fourth Street SW., was previously announced and will be closed to the public for the reasons specified in **Federal Register** announcement of Monday, May 9, 1988, Vol. 53, No. 89, page 16511.

Date: May 17, 1988.

Marvin L. Stone,

Deputy Director, United States Information Agency.

[FR Doc. 88-11544 Filed 5-19-88; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from John Turner, Department of Veterans Benefits (203C2), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC (202) 233–2744.

Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW. Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: May 16, 1988.

By direction of the Administrator:

Frank E. Lalley,

Director, Office of Information Management an Statistics.

Extension

1. Department of Veterans Benefits
2. Report of Automatic Manufactured Home and/or Lot Loan
3. VA Form 26–8149
4. This form seves as the means for lenders to report to VA the information necessary to receive guaranty under the automatic processing procedure.
5. On occasion
6. Business or other for profit
7. 5,400
8. 2,700
9. Not applicable

[FR Doc. 88–11386 Filed 5–19–88; 8:45 am]

BILLING CODE 8320–01–M

Availability of Report of Therapeutic Work Programs Evaluation

Notice is hereby given that the Therapeutic Work Programs Evaluation has been completed.

Single copies of the Therapeutic Work Programs Report are available. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. H. Raymond Wilburn, Director, Studies and Evaluation Service, Veterans' Administration (072), 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: May 13, 1988.

By direction of the Administration.

Raymond S. Blunt

Director, Office of Program Analysis and Evaluation.

[FR Doc. 88–11387 Filed 5–19–88; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 98
Friday, May 20, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:03 p.m. on Monday, May 16, 1988, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

An administrative enforcement proceeding involving an insured bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,207 (Amendment)
Alaska National Bank of the North, Fairbanks, Alaska
and
First Interstate Bank of Alaska, Anchorage, Alaska

Matters relating to the possible closing of certain insured banks.

Matters relating to an assistance agreement pursuant to section 13(c) of the Federal Deposit Insurance Act.

Request for assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Mr. Dean S. Marriott, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 17, 1988.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 88-11411 Filed 5-17-88; 4:42 pm]

BILLING CODE 6714-01-M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, May 14, 1988, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, May 26, 1988, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.

Correction and Approval of Minutes.

Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.

Draft AO 1988-12—John R. Hall on behalf of Empire of America Federal Savings Bank, Buffalo, New York.

Draft AO 1988-19—John C. Biehl on behalf of Ashland Oil, Inc.

Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone 202-376-3155.

Mary W. Dove,

Administrative Assistant.

[FR Doc. 88-11431 Filed 5-18-88; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL TRADE COMMISSION

TIME AND DATE: 2:00 p.m., Tuesday, May 24, 1988.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to Public

(1) Oral Argument in Olin Corporation, Docket No. 9196.

Portions Closed to the Public

(2) Executive Session to follow Oral Argument in Olin Corporation, Docket No. 9196.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Affairs: (202) 326-2179; Recorded Message: (202) 326-2711.

Emily H. Rock,

Secretary.

[FR Doc. 88-11419 Filed 5-18-88; 9:00 a.m.]

BILLING CODE 6750-01-M

Corrections

Federal Register
Vol. 53, No. 98
Friday, May 20, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 86F-0489]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Boiler Water Additives

Correction

In rule document 88-9340, appearing on page 15199 in the issue of Thursday, April 28, 1988, make the following correction:

On page 15199, in the third column, in amendatory instruction 2, in the fifth line, "acid-co--" should read "acid-co-".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 86F-0435]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

Correction

In rule document 88-9339, beginning on page 15199 in the issue of Thursday, April 28, 1988, make the following corrections:

1. On page 15200, in the first column, under **FOR FURTHER INFORMATION CONTACT**, in the third line, "[HHF-335]" should read "[HFF-335]".

2. On the same page, in the same column, under **SUPPLEMENTARY INFORMATION**, in the 11th line, "buty-l4-" should read "butyl-4-".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Privacy Act of 1974; System of Records

Correction

In notice document 88-9700 beginning on page 15740 in the issue of Tuesday, May 3,1988, make the following corrections:

1. On page 15743, in the third column, in the eighth paragraph, in the third line, "date" should read "data".

2. On the same page, in the same column, in the third line from the bottom, "could not be" should read "could be".

3. On page 15744, in the first column, in the first complete paragraph, in the third line, "pubication to HCFR" should read "publication to HCFA".

BILLING CODE 1505-01-D

federal register

Friday
May 20, 1988

Part II

Environmental Protection Agency

Twenty-second Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals; Notice

40 CFR Parts 712 and 716

Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-41029; FRL-3381-7]

Twenty-second Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC), established under section 4(e) of the Toxic Substances Control Act (TSCA), transmitted its Twenty-Second Report to the Administrator of EPA on May 2, 1988. This report, which revises and updates the Committee's priority list of chemicals, adds 10 chemicals to the list for priority consideration by EPA in promulgation of test rules under section 4(a) of the Act. The Twenty-Second Report is included with this notice. One chemical, 1,6-hexamethylene diisocyanate (CAS No. 822-06-0) is designated for response within 12 months. In response to ITC's designation, EPA will either initiate rulemaking under section 4(a) of TSCA, or publish a **Federal Register** notice explaining the reasons for not initiating such rulemaking within 12 months. Crotonaldehyde (CAS No. 4170-30-3); imidazolium quaternary ammonium compounds (CAS No. 68122-86-1); and seven ethoxylated quaternary ammonium compounds (CAS Nos. 68153-35-5, 68389-88-8, 68389-89-9, 68410-69-5, 68413-04-7, 68554-06-3, and 70914-090-9) are not designated for response within 12 months. EPA invites interested persons to submit written comments on the report, and to attend Focus Meetings to help narrow and focus the issues raised by the ITC's recommendations.

Additionally, EPA is soliciting interest in public participation in the consent agreement process for crotonaldehyde, imidazolium quarternary ammonium compounds, and seven ethoxylated quaternary ammonium compounds.

The ITC also has removed 9 chemicals from the priority list. Six aminoanthraquinone dyes (CAS Nos. 128-86-9, 2861-02-1, 6247-34-3, 6424-85-7, 12217-79-7 and 17418-58-5) have been removed from the list on the basis of relatively low aggregate production and sufficient genotoxicity testing to reduce concerns about these chemicals. Tributyl phosphate (CAS No. 126-73-8), isopropanol (CAS No. 67-63-0), and methyl *tert* butyl ether (CAS No. 1634-04-4) have been removed because EPA has responded to the ITC's previous recommendations for testing of the chemicals.

DATES: Written comments should be submitted by June 20, 1988. Submit written notice of interest in being designated an "interested party" to development of consent agreements for crotonaldehyde, imidazolium quaternary ammonium compounds and seven ethoxylated quaternary ammonium compounds by June 20, 1988. Focus Meetings will be held on June 14 and June 17, 1988.

ADDRESS: Send written submissions to: TSCA Public Docket Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. NE G-004, 401 M Street SW., Washington, DC 20460.

Submissions should bear the document control number (OPTS-41029).

The public record supporting this action, including comments, is available for public inspection in Rm. NE G-004 at the address noted above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The Focus Meetings will be held at EPA Headquarters, Rm. 103 NE Mall, 401 M Street SW., Washington, DC. Persons planning to attend the Focus Meetings, and/or seeking to be informed of subsequent public meetings on these chemicals, should notify the TSCA Assistance Office at the address listed below. To ensure seating accommodations at the Focus Meetings, persons interested in attending are asked to notify EPA at least one week ahead of the scheduled date.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Acting Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 554-1404.

SUPPLEMENTARY INFORMATION: EPA has received the Report of the TSCA Interagency Testing Committee to the Administrator.

I. Background

TSCA (Pub. L. 94-469, 90 Stat. 2003 *et seq*; 15 U.S.C. 2601 *et seq.*) authorizes the Administrator of EPA to promulgate regulations under section 4(a) requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemical substances and mixtures may present to health and the environment. Section 4(e) of TSCA established an Interagency Testing Committee to make recommendations to the Administrator of EPA on chemical substances and mixtures to be given priority consideration in proposing test rules under section 4(a). Section 4(e) directs the ITC to revise its list of recommendations at least every 6 months as necessary. The ITC may "designate" up to 50 substances and mixtures at any one time for priority consideration by the Agency. The chemical 1,6-hexamethylene diisocyanate is a designated chemical. For such designations, the Agency must within 12 months either initiate rulemaking or issue in the **Federal Register** its reasons for not doing so. The ITC's Twenty-Second Report was received by the Administrator on May 2 and follows this Notice. The Report adds 10 substances to the TSCA section 4(e) priority list.

II. Written and Oral Comments and Public Meetings

EPA invites interested persons to submit detailed comments on the ITC's new recommendations. The Agency is interested in receiving information concerning additional or ongoing health and safety studies on the subject chemicals as well as information relating to the human and environmental exposure to these chemicals.

A notice is published elsewhere in today's **Federal Register** adding 8 of the 10 substances recommended in the ITC's Twenty-Second Report to the TSCA section 8(d) Health and Safety Data Reporting Rule (40 CFR Part 716). Two of the 10 substances, 1,6-hexamethylene diisocyanate (52 FR 16022, May 1, 1987) and crotonaldehyde (51 FR 2890, January 22, 1986), already are subject to this rule, which requires the reporting of unpublished health and safety studies on the listed chemicals. All 10 chemicals will be added to the TSCA section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712) published elsewhere in this issue. The section 8(a) rule requires the reporting of production volume, use, exposure, and release information on the listed chemicals.

Focus Meetings will be held to discuss relevant issues pertaining to these chemicals and to narrow the range of issues/effects which will be the focus of the Agency's subsequent activities in responding to the ITC recommendations. The Focus Meetings will be held as follows:

June 14, 1988

9:30 a.m.—Imidazolium quaternary ammonium compounds
1:00 p.m.—Ethoxylated quaternary ammonium compounds

June 17, 1988

9:30 a.m.—Crotonaldehyde
1:00 p.m.—1,6-Hexamethylene diisocyanate

They will be held at EPA Headquarters, Rm. 103 NE Mall, 401 M Street SW., Washington, DC. These meetings are intended to supplement and expand upon written comments submitted in response to this notice.

Persons wishing to attend these meetings, or subsequent meetings on these chemicals, should call the TSCA Assistance Office at the telephone number listed above at least one week in advance.

This notice also serves to invite persons interested in participating in or monitoring negotiations for consent agreements for crotonaldehyde, imidazolium quaternary ammonium compounds, and ethoxylated quaternary ammonium compounds to notify EPA no later than June 20, 1988. The procedures for negotiations are described in 40 CFR 790.22. All written submissions should bear the identifying docket number (OPTS–41029).

III. Status of List

In addition to adding the 10 recommendations to the priority list, the ITC's Twenty-Second Report notes the removal of 9 chemicals from the list since the last ITC report. Six aminoanthraquinone dyes have been removed from the list by the ITC on the basis of relatively low aggregate production and sufficient genotoxicity testing to reduce concerns. Subsequent to ITC's preparation of its Twenty-First Report, EPA responded to the ITC's recommendations for three additional chemicals. The three chemicals removed and the dates of publication in the **Federal Register** of EPA's responses to the ITC for these chemicals are: tributyl phosphate (52 FR 43346, November 12, 1987); isopropanol, (53 FR 8638, March 16, 1988); and methyl *tert* butyl ether (53 FR 10391, March 31, 1988).

The current list contains 1 designated substance, 2 chemicals recommended with intent-to-designate, and 14 recommended substances.

Authority: 15 U.S.C. 2603.

Dated: May 11, 1988.

J. Merenda,

Director, Existing Chemical Assessment Division.

Twenty-Second Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Summary

Section 4 of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94–469) provides for the testing of chemicals in commerce that may present an unreasonable risk of injury to health or the environment. It also provides for the establishment of a Committee (ITC), composed of representatives from eight designated Federal agencies, to recommend chemical substances and mixtures (chemicals) to which the Administrator of the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules.

Section 4(e)(1)(A) of TSCA directs the Committee to recommend to the EPA Administrator chemicals to which the Administrator should give priority consideration for the promulgation of testing rules pursuant to section 4(a). The Committee is required to designate those chemicals, from among its recommendations, to which the Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. At least every 6 months, the Committee makes those revisions in the TSCA section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

As a result of its deliberations, the Committee is revising the TSCA section 4(e) Priority List by the addition of 10 chemicals.

The Priority List is divided into three parts: Part A contains those recommended chemicals and groups designated for priority consideration and response by the EPA Administrator within 12 months. Part B contains chemicals and groups of chemicals recommended with intent-to-designate. This category was established by the Committee in its seventeenth report (50 FR 47603; November 19, 1985) to take advantage of rules promulgating automatic reporting requirements for non-designated ITC recommendations under the section 8(a) Preliminary Assessment rule and the TSCA section 8(d) Health and Safety Data Reporting rule. Information received following recommendation with intent-to-designate may influence the Committee to either designate or not designate the chemicals or groups of chemicals in a subsequent report to the Administrator. Part C contains chemicals and groups of chemicals that have been recommended for priority consideration by EPA without being designated for response within 12 months. The changes to the Priority List are presented, together with the types of testing recommended, in the following Table 1:

TABLE 1—ADDITIONS TO THE SECTION 4(e) PRIORITY LIST, MAY 1988

Chemical/Group	Recommended studies
A. *Designated for response within 12 months:*	
1,6-Hexamethylene diisocyanate [1] CAS No. 822-06-0.	Health Effects: Chronic toxicity, including oncogenicity; reproductive and developmental effects. Chemical Fate: None Ecological Effects: None
B. *Recommended with Intent-to-Designate:*	
Crotonaldehyde [2] CAS No. 4170-30-3.	Health Effects: None Chemical Fate: Volatilization rate from water; aerobic aquatic biodegradation rate. Ecological Effects: Acute toxicity to algae, fish and aquatic invertebrates.
C. *Recommended Without Being Designated for Response Within 12 Months:*	
Imidazolium Quaternary Ammonium Compounds [3] (CAS No. 68122-86-1).	Health Effects: Chronic toxicity studies to evaluate potential effects through long-term dermal exposures. Chemical Fate: Aerobic and anaerobic biodegradation of the chemical sorbed to freshwater and estuarine sediments. Ecological Effects: Acute and chronic effects on representative freshwater and estuarine benthic organisms.
Ethoxylated Quaternary Ammonium Compounds [4] (CAS Nos. 68153-35-5, 68389-88-8, 68389-89-9, 68410-69-5, 68413-04-7, 68554-06-3, and 70914-09-9).	Health Effects: Chronic toxicity studies to evaluate potential effects through long-term dermal exposures. Chemical Fate: Aerobic and anaerobic biodegradation of the chemicals sorbed to freshwater and estuarine sediments. Ecological Effects: Acute and chronic effects on representative freshwater and benthic organisms.

CA Index Names (9 CI)

[1] Hexane, 1,6-diisocyanato-.

[2] 2-Butenal.

[3] Imidazolium compounds, 4,5-dihydro-1-methyl-2-nortallow alkyl-1-(2-tallow amidoethyl), Me sulfates.

[4] Ethanaminium, 2-amino-N-(2-aminoethyl)-N-(2-hydroxyethyl)-N-methyl-, N,N'-ditallow acyl derivs., Me sulfates (salts); CAS No. 68153-35-5,

Poly(oxy-1,2-ethanediyl), α-[2-[bis(2-aminoethyl)-methylammonio]-ethyl]-ω-hydroxy-, N,N'-dicoco acyl derivs., Me sulfates (salts); CAS No. 68389-88-8,

Poly(oxy-1,2-ethanediyl), α-[2-[bis(2-aminoethyl)-methylammonio]-ethyl]-ω-hydroxy-, N,N'-

bis(hydrogenated tallow acyl) derivs., Me sulfates (salts); CAS No. 68389-89-9,

Poly(oxy-1,2-ethanediyl), α-[2-[bis(2-aminoethyl)-methylammonio]-ethyl]-ω-hydroxy-, N,N'-ditallow acyl derivs., Me sulfates (salts); CAS No. 68410-69-5,

Poly[oxy(methyl-1,2-ethanediyl)], α-[2-[bis(2-aminoethyl)-methylammonio]-methylethyl]-ω-hydroxy-, N,N'-, ditallow acyl derivs., Me sulfates (salts); CAS No. 68413-04-7,

Poly(oxy-1,2-ethanediyl), α-[3-[bis(2-aminoethyl)-methylammonio]-2-hydroxypropyl]-ω-hydroxy-, N-coco acyl derivs., Me sulfates (salts); CAS No. 68554-06-3, and

Poly(oxy-1,2-ethanediyl), α-[2-[bis(2-aminoethyl)-methylammonio]-ethyl]-ω-hydroxy-, N,N'-di-C_{14-18} acyl derivs., Me sulfates (salts); CAS No. 70914-09-9

TSCA Interagency Testing Committee

Statutory Member Agencies and Their Representatives

Council on Environmental Quality
Joseph Jehl, Member [1]
Department of Commerce
Partick D. Cosslett, Member
Raimundo Prat, Alternate
Environmental Protection Agency
John D. Walker, Member
Laurence S. Rosenstein, Alternate
National Cancer Institute
Richard Adamson, Member
Elizabeth K. Weisburger, Alternate
National Institute of Environmental Health Sciences
James K. Selkirk, Member and Chairperson
National Institute for Occupational Safety and Health
Bryan D. Hardin, Member and Vice Chairperson
Rodger L. Tatken, Alternate
National Science Foundation
Rodger W. Baier, Member
Jarvis L. Moyers, Alternate
Occupational Safety and Health Administration
Robert Turnage, Member [2]
Stephen Mallinger, Alternate

Liaison Agencies and Their Representatives

Consumer Product Safety Commission
Lakshmi C. Mishra
Department of Agriculture
Richard M. Parry, Jr.
Elise A. B. Brown
Department of Defense
Vacant
Department of the Interior
Sarah Gerould
Food and Drug Administration
Arnold Borsetti
National Library of Medicine
Vera Hudson
National Toxicology Program
Dorothy Canter

Committee Staff

Robert H. Brink, Executive Secretary
Norma Williams, ITC Program Specialist

Support Staff

Alan Carpien—Office of the General Counsel, EPA

The Committee acknowledges and is grateful for the assistance and support given the ITC by the staff of Dynamac Corporation (technical support contractor) and personnel of the EPA Office of Toxic Substances.

Chapter 1—Introduction

1.1 *Background.* The TSCA Interagency Testing Committee (Committee) was established under section 4(e) of the Toxic Substances Control Act of 1986 (TSCA, Pub. L. 94-469). The specific mandate of the Committee is to recommend to the Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances and mixtures in commerce that should be given priority consideration for the promulgation of testing rules to determine their potential hazard to human health and/or the environment. TSCA specifies that the Committee's recommendations shall be in the form of a Priority List, which is to be published in the **Federal Register**. The Committee is directed by section 4(e)(1)(A) of TSCA to designate those chemicals on the Priority List to which the EPA Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. There is no statutory time limit for EPA response regarding chemicals that ITC has recommended but not designated for response within 12 months.

At least every 6 months, the Committee makes those revisions in the section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

The Committee is composed of representatives from eight statutory member agencies and seven liaison agencies. The specific representatives and their affiliations are named in the front of this report. The Committee's chemical review procedures and priority recommendations are described in previous reports (Refs. 1 through 6).

1.2 *Committee's previous reports.* Twenty-one previous reports to the EPA Administrator have been issued by the Committee and published in the **Federal Register** (Refs. 1 through 6). Ninety-six entries (chemicals and groups of chemicals) were recommended for priority consideration by the EPA Administrator and designated for response within 12 months. In addition, fourteen chemicals and one group of chemicals were recommended without being so designated.

1.3 *Committee's activities during this reporting period.* Between October 16, 1987 and April 21, 1988, the Committee continued to review chemicals from its fifth and sixth scoring exercises, and from nominations by Member Agencies, Liaison Agencies and State Agencies.

The Committee contacted chemical manufacturers and trade associations to request information that would be of value in its deliberations. Most of those contacted provided unpublished information on current production, exposure, uses, and effects of chemicals under study by the Committee.

During this reporting period, the Committee reviewed available information on eighty-four chemicals. Ten were selected for addition to the section 4(e) Priority List, and twenty-four were deferred indefinitely. The remaining chemicals are still under study.

In its twentieth report to the EPA Administrator (Ref. 5, ITC, 1987), the Committee placed ethylbenzene (CAS No. 100-41-4) on the Priority List on the "Recommended with Intent-to-Designate" category. The Committee recommended that ethylbenzene be tested for acute toxicity to freshwater algae and invertebrates and to saltwater algae, invertebrates and fish. Subsequently, the Committee learned that acute toxicity testing of ethylbenzene with freshwater invertebrates had recently been completed at the University of Wisconsin. As noted in the twenty-first report, the Committee also was informed that a consortium of ethylbenzene producers, the Styrene and Ethylbenzene Association, voluntarily sponsored studies on the other acute toxicity tests recommended by the Committee. The Committee deferred a decision on whether or not to designate ethylbenzene pending a review of the data developed during the above studies. The Committee has reviewed the data developed in those studies and has concluded that all of the data gaps identified in the twentieth report have been satisfactorily resolved with the exception of saltwater invertebrate testing. Industry has volunteered to sponsor additional studies with saltwater invertebrates. The Committee has decided to continue to defer a decision on whether or not to designate ethylbenzene pending a review of data from the additional invertebrate tests.

In its twenty-first report to the EPA Administrator, the Committee

[1] Appointed on October 30, 1987.
[2] Appointed on October 26, 1987.

recommended genotoxicity testing on six aminoanthraquinone dyes (CAS Nos. 128–86–9, 2861–02–1, 6247–34–3, 6424–85–7, 12217–79–7 and 17418–58–5). Subsequent to the recommendation the Committee had an opportunity to examine the TSCA section 8(a) Preliminary Assessment rule and TSCA section 8(d) Health and Safety Data Reporting rule information submitted to the EPA. That information included current production and use information on those dyes and additional data on genotoxicity tests. As a result of its review of that information, the Committee has concluded that the six aminoanthraquinone dyes with the above CAS numbers should be removed from the Priority List on the basis of relatively low aggregate production and sufficient genotoxicity testing to reduce concerns.

1.4 *The TSCA section 4(e) Priority List.* Section 4(e)(1)(B) of TSCA direct the Committee to: "* * * make such revisions in the [priority] list as it determines to be necessary and * * * transmit them to the Administrator together with the Committee's reasons for the revisions." Under this authority, the Committee is revising the Priority List by adding ten chemicals: 1,6-hexamethylene diisocyanate (CAS No. 822–06–0), crotonaldehyde (CAS No. 4170–30–3), imidazolium quaternary ammonium compounds (CAS No. 68122–86–1) and ethoxylated quaternary ammonium compounds (CAS Nos. 68153–35–5, 68389–88–8, 68389–89–9, 68410–69–5, 68413–04–7, 68554–06–3 and 70914–09–9). Nine chemicals are being removed from the Priority List at this time. Tributyl phosphate (CAS No. 126–73–8) was the subject of a Notice of Proposed Rulemaking (52 FR 43346; November 12, 1987). Isopropanol (CAS No. 67–63–0) also was the subject of a Notice of Proposed Rulemaking (53 FR 8638; March 16, 1988) and methyl *tert* butyl ether (CAS No. 1634–04–4) was the subject of a Testing Consent Order (53 FR 10391; March 31, 1988). In addition, six aminoanthraquinone dyes (CAS Nos. 128–86–9, 2861–02–1, 6247–34–3, 6424–85–7, 12217–79–7 and 17418–58–5) are being removed for the reasons given in section 1.3.

With the ten new recommendations and nine removals noted in this report, seventeen entries now appear on the section 4(e) Priority List. The Priority List is divided in the following Table 2 into three parts; namely, A. Chemicals and Groups of Chemicals Designated for Response Within 12 Months, B. Chemicals and Groups of Chemicals Recommended with Intent-to-Designate, and C. Chemicals and Groups of Chemicals Recommended Without Being Designated for Response Within 12 Months. Table 2 follows:

TABLE 2—THE TSCA SECTION 4(e) PRIORITY LIST, MAY 1988

Entry	Date of designation
A. Chemicals and Groups of Chemicals Recommended and Designated for Response Within 12 Months:	
1. 1,6-Hexamethylene diisocyanate.	May 1988
B. Chemicals and Groups of Chemicals Recommended with Intent-to-Designate:	
1. Ethylbenzene	May 1987
2. Crotonaldehyde	May 1988
C. Chemicals and Groups of Chemicals Recommended Without Being Designated for Response Within 12 Months:	
1. Diisodecyl phenyl phosphite	Nov. 1985
2. C.I. Disperse Blue 79	Nov. 1986
3. Methyl ethyl ketoxime	Nov. 1986
4. *N*-[5-[bis[2-(acetyloxy)ethyl]amino]-2-[(2-bromo-4,6-dinitrophenyl)azo]-4-methoxy phenyl]-acetamide.	May 1987
5. *N*-[5-[bis[2-(acetyloxy)ethyl]amino]-2-[2-chloro-4,6-dinitrophenyl)azo]-4-methoxy phenyl]-acetamide.	May 1987
6. *N*-[5-[bis[2-(acetyloxy)ethyl]amino]-2-[(2-chloro-4,6-dinitrophenyl)azo]-4-ethoxy phenyl]-acetamide.	May 1987
7. Imidazolium compounds, 4,5-dihydro-1-methyl-2-nortallow alkyl-1-(2-tallow amidoethyl), Me sulfates.	May 1988
8. Ethanaminium,2-amino-N-(2-aminoethyl)-N-(2-hydroxyethyl)-N-methyl-, N,N'-ditallow acyl derivs., Me sulfates (salts).	May 1988
9. Poly(oxy-1,2-ethanediyl),α-[2-[bis(2-aminoethyl)-methylammonio]-ethyl]-ω-hydroxy-, N,N'-dicoco acyl derivs., Me sulfates (salts).	May 1988
10. Poly(oxy-1,2-ethanediyl),α-[2-[bis(2-aminoethyl)-methylammonio]-ethyl]-ω-hydroxy-, N,N'-bis(hydrogenated tallow acyl) derivs., Me sulfates (salts).	May 1988
11. Poly(oxy-1,2-ethanediyl),α-[2-[bis(2-aminoethyl)-methylammonio-ethyl]-ω-hydroxy-, N,N'-ditallow acyl derivs., Me sulfates (salts).	May 1988
12. Poly[oxy(methyl-1,2-ethanediyl)],α-[2-[bis(2-aminoethyl)-methylammonio]-methylethyl]-ω-hydroxy-, N,N'-, ditallow acyl derivs., Me sulfates (salts).	May 1988
13. Poly(oxy-1,2-ethanediyl),α-[3-[bis(2-aminoethyl)-methylammonio]-2-hydroxypropyl]-ω-hydroxy-, N-coco acyl derivs., Me sulfates (salts).	May 1988
14. Poly(oxy-1,2-ethanediyl),α-[2-[bis(2-aminoethyl)-methylammonio]-ethyl]-ω-hydroxy-, N,N'-di-C_{14-18} acyl derivs., Me sulfates (salts).	May 1988

References

(1) Sixteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, May 21, 1985, 50 FR 20930–20939. Includes references to Reports 1 through 15 and an annotated list of removals.

(2) Seventeenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 19, 1985, 50 FR 47603–47612.

(3) Eighteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, May 19, 1986, 51 FR 18368–18375.

(4) Nineteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 14, 1986, 51 FR 41417–41432.

(5) Twentieth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, May 20, 1987, 52 FR 19020–19026.

(6) Twenty-first Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 20, 1987, 52 FR 44830–44837.

Chapter 2—Recommendations of the Committee

2.1 *Chemicals recommended for priority consideration by the EPA Administrator.* As provided by section 4(e)(1)(B) of TSCA, the Committee is adding the following chemical substances to the section 4(e) Priority List: 1,6-hexamethylene diisocyanate (CAS No. 822–06–0), crotonaldehyde (CAS No. 4170–30–3), imidazolium quaternary ammonium compounds (CAS No. 68122–86–1) and ethoxylated quaternary ammonium compounds (CAS Nos. 68153–35–5, 68389–88–8, 68389–89–9, 68410–69–5, 68413–04–7, 68554–06–3 and 70914–09–9). The recommendation of these chemicals is made after considering the factors identified in section 4(e)(1)(A) and other relevant information, as well as the professional judgment of Committee members.

2.2 *Chemicals designated for response within 12 months*—2.2.a *1,6-Hexamethylene diisocyanate—Summary of recommended studies.* It is recommended that 1,6-hexamethylene diisocyanate be tested for the following:

1. *Chemical fate:* None.

2. *Health effects:* Chronic toxicity (including oncogenicity) and reproductive and developmental effects studies.

3. *Ecological effects:* None.

Physical and Chemical Information

CAS Number: 822-06-0
Synonyms: Hexane, 1,6-diisocyanato-; Hexamethylene diisocyanate; 1,6-Diisocyanatohexane
Acronym: HDI
Trade Names: Desmodur H; Mondur HX
Structural Formula: $OCNCH_2CH_2CH_2CH_2CH_2CH_2NCO$

$OCNCH_2CH_2CH_2CH_2CH_2CH_2NCO$

Empirical Formula: $C_8H_{12}N_2O_2$
Molecular Weight: 168.0
Appearance: Liquid
Boiling Point: 212.8 °C at 760 mmHg (Ref. 22, NIOSH, 1978)
Vapor Pressure: 0.05 mmHg at 24 °C (Ref. 22, NIOSH, 1978)
Specific Gravity: 1.04 (Ref. 22, NIOSH, 1978)
Flashpoint: 140 °C (Ref. 22, NIOSH, 1978)
Solubility: Poorly soluble in water; readily soluble in organic solvents (Ref. 22, NIOSH, 1978)
Log Octanol/Water Partition Coefficient (log P): −1.9 (Est'd., Ref. 14, Leo et al., 1971).

Rationale for Recommendations

I. Exposure Information

A. Production/Use/Disposal/Environmental Release

Hexamethylene diisocyanate (HDI) is produced in commercial quantities at Baytown, TX; current annual production is about 11 million pounds (Ref. 19, Mobay, 1988b). Laboratory quantities of HDI are also produced by Morton Thiokol, Inc. at its Danvers, MA plant (Ref. 10, ICF, 1986). The public portion of the TSCA Inventory lists U.S. production at 1 to 10 million pounds in 1977 (Ref. 27, USEPA, 1988). No import data are reported for HDI. In 1981, approximately 2 to 3 million pounds were exported (Ref. 16, Mobay, 1982).

The manufacturing process for HDI, similar to that of other diisocyanates, employs phosgenation of hexamethylene diamine. In response to a request for information, Mobay estimated that the quantity of HDI that enters the environment during production and use does not exceed 20,000 pounds per year (Ref. 16, Mobay, 1982).

HDI is used in the manufacture of higher molecular weight biuret polyisocyanate products. These are commercially used as curing agents in the formulation of polyurethane paint systems for automobile refinishing, industrial maintenance, marine coatings, and other higher performance coating systems (Ref. 16, Mobay, 1982).

B. Evidence for Human and Environmental Exposure

There is no OSHA permissible exposure level (PEL) for HDI. In 1978, NIOSH recommended that OSHA adopt the same standard also recommended for toluene diisocyanate (TDI) and methylene diphenyldiisocyanate (MDI), i.e., an 8-hour time-weighted average of 5 ppb (35 ug/m³) (Ref. 22, NIOSH, 1978). The recommended 10-minute short-term exposure limit is 0.02 ppm (140 ug/m³) (Ref. 22, NIOSH, 1978). ACGIH earlier recommended the same levels (Ref. 1, ACGIH, 1976). The level immediately dangerous to life and health (IDLH), beyond which irreversible health effects are known to occur, is 10 ppm (Ref. 28, Woolrich, 1982).

The National Occupational Hazard Survey (NOHS), conducted by the National Institute for Occupational Safety and Health (NIOSH) from 1972 to 1974, estimated that about 4,490 workers in 238 plants were exposed to HDI through manufacture, processing, or use in 1970. Of these, about 4,000 were involved with coating applications (Ref. 21, NIOSH, 1976). NIOSH also conducted a second workplace survey, the National Occupational Exposure Survey (NOES) from 1980 to 1983 (Ref. 23, NIOSH, 1984). Preliminary data from the NOES indicated that 39 workers, including 11 women, were potentially exposed in 1980.

The number of workers exposed to HDI is probably underestimated since it is impossible to estimate the workers in trade professions or other operations using products containing HDI. However, data indicate that coatings applications provide the greatest source of occupational exposure to HDI. Information obtained from the United Auto Workers suggests that 1,000 to 10,000 workers are potentially exposed to HDI-containing coatings and adhesives in new car manufacture (Ref. 26, UAW, 1988). The Automotive Services Association estimated that there are 60,000 to 100,000 private autobody and repaint shops that usually employ 1.5 to 12 persons each, potentially exposing between 90,000 and 1.2 million persons (Ref. 4, ASA, 1988). In a 1982 submission to the TSCA Interagency Testing Committee, Mobay estimated that 153,000 autobody repair workers were potentially exposed to HDI (Ref. 16, Mobay, 1982).

Information received from the International Brotherhood of Painters and Allied Trades (IBPAT) indicated that about 60,000 union members use an HDI-containing coating at least once a year. HDI-containing coatings are used several times a year by about 30,000 workers; 3,000 use HDI-containing paint exclusively (Ref. 9, IBPAT, 1988). The Communication Workers of America indicated that about 51,000 of their members are exposed to multiple diisocyanates, including HDI. Of these, about 45,000 telecommunications cable splicers and outside plant technicians work with plugging compounds containing HDI. The remaining 6,000 workers are exposed to diisocyanate-containing inks and RIM plastics (Ref. 5, CWA, 1988).

The civilian and military aircraft industry uses aliphatic diisocyanate-containing paint almost exclusively because of its stability in ultraviolet light (Ref. 8, Hulse, 1984). The number of persons potentially exposed to HDI through these occupations is not known at this time.

In summary, excluding individuals exposed through the aerospace industries and the military, it appears that between 265,000 and 1,315,000 workers are potentially exposed to HDI-containing products.

Between 1978 and 1982, Mobay conducted field industrial hygiene surveys during spray applications of HDI-containing paint systems. Data gathered during six different surveys demonstrated HDI concentrations between <0.005 ppm and 0.04 ppm (Ref. 16, Mobay, 1982). As shown in a section 8(d) submission from Mobay, oven exhaust from a heat-cured urethane resulted in monomeric HDI concentrations of 230 ppb (Ref. 17, Mobay, 1978). This level exceeded the ACGIH threshold limit value (TLV) and NIOSH recommended short-term exposure limit (STEL) of 20 ppb by about 11 times.

A study was conducted to determine the airborne concentrations of total reactive isocyanate groups (-NCOs) from the application of consumer-available polyurethane products. A two-part HDI-containing polyurethane enamel was used in a controlled area simulating a workshop/garage. The product was sprayed on a metal bookcase. Analyses of personal and area air samples collected during the spray application of the enamel found -NCO groups in excess of the upper limit of detection, >5.0 mg NCO/m³ or >2.9 ppm (Ref. 20, MRI, 1987). This level was almost 300 times the NIOSH-recommended 10-minute STEL of 0.02 ppm.

II. Chemical Fate Information

Although HDI is likely to be released to the environment, primarily in fugitive air emissions, it is not expected to persist and should be rapidly

transformed, especially in the presence of liquid water. Therefore, chemical fate testing is not recommended at this time.

III. Biological Effects of Concern to Human Health

A. Metabolism and Toxicokinetics

No information was found.

B. Acute (short-term) Effects

The acute and subacute toxicity of HDI are summarized in the following Tables 3 and 4.

TABLE 3.—CRITICAL END POINTS FOR THE ACUTE/SUBACUTE TOXIC EFFECTS OF HDI

Test	Test subject [a]	Critical toxic effect end points from multiple dose/concentration studies		Reference
		LOEL[b]	NOEL[c]	
Skin irritation	Guinea pig	0.4 mg/animal (approx.)	0.2 mg/animal (approx.)	Kondrat'yev and Mustayev (1969, Ref. 13).
Ocular irritation	Rabbit	NE[d]	NE	Mobay (1961, Ref. 15).
Sensory irritation	Male mouse	0.062 ppm (0.43 mg/m ^{3}	NE	Sangha et al. (1981, Ref. 24).
Pulmonary irritation	Albino rat	NE	NE	Lomonova and Frolova (1968, as cited in NIOSH, 1978, Ref. 22).
Pulmonary irritation	Rabbit	NE	NE	Frolovaya (1966, 1968, as cited in Kondrat'yev and Mustayev 1969, Ref. 13).
Contact sensitivity, induction	Male mouse	8 ug/animal (0.28 mg/kg)	2.1 ug/animal (0.075 mg/kg)	Thorne et al. (1987, Ref. 25).
Contact sensitivity induction	Guinea pig	NE	NE	Kondrat'yev and Mustayev (1969, Ref. 13).
Contact sensitivity elicitation	Guinea pig	8 ug/animal (approx.)	NE	Kondrat'yev and Mustayev (1969, Ref. 13).
Contact sensitivity elicitation	Male mouse	NE	NE	Thorne et al. (1987, Ref. 25).

[a] With the exception of the mice used in the Sangha et al. (1981) study, test animal parameters such as sex, age, weight, and strain were not reported.
[b] Lowest-observable-effects level.
[c] No-observable-effects level.
[d] NE, not established in this study.

TABLE 4.—ACUTE TOXICITY OF HDI IN LABORATORY ANIMALS

Species	LC_{50}		Duration (hours)	LD_{50}		Reference
	Concentration			Oral (mg/kg)	Dermal (mg/kg)	
	(mg/m^3)	(ppm)				
Rat	385	56	6	710		Woolrich (1982, Ref. 28).
Rat (M)	310	45	4			Bunge et al. (1977, as cited in NIOSH, 1978, Ref. 22).
Rat (F)	350	51	4			Bunge et al. (1977, as cited in NIOSH, 1978, Ref. 22).
Rat				1,050		Mobay (1961, Ref. 15).
Mouse	30	4	2			Lomonova and Frolova (1968, as cited in NIOSH, 1978, Ref. 22).
Rabbit					570	Woolrich (1982, Ref. 28).
Rabbit					[a]	Mobay (1961, Ref. 15).

[a] Single dermal doses of 1,000 to 1,250 mg/kg caused lethality, damage to subcutaneous layers of skin, and systemic injury including extensive pulmonary congestion.

HDI is known to produce irritation and inflammation of the upper respiratory tract, so-called sensory irritation. Sangha et al. (Ref. 24, 1981) conducted an acute inhalation study with mice. Depression of the respiratory rate was observed at the lowest dose of HDI tested, 62 ppb (0.43 mg/m ^{3}). No LOEL was established.

Experiments dealing with the elicitation of dermal HDI hypersensitivity were performed early in the study of diisocyanates. A key study with guinea pigs published in 1969 by Kondrat'yev and Mustayev (Ref. 13, 1969) provided a LOEL of 8 ug per animal. Since this is the lowest dose that has been tested in this manner, it is clear that a NOEL has not yet been established.

Thorne et al. (Ref. 25, 1987) induced dermal sensitization to HDI in mice by application of a single dose to shaved abdominal skin. Sensitization was demonstrated by a single challenge does to the ear. The SD^{50} (does predicted to sensitize 50 percent of the animals) upon homologous challenge for HDI was 0.088 mg/kg. The LOEL for HDI was 8 ug per animal; the NOEL was 2.1 ug per animal.

C. Genotoxicity.

In the *Salmonella* assay, HDI was not mutagenic in strains TA100, TA98, or TA1537 with or without metabolic activation. A wide dose range, up to the highest noninhibitory dose, was used (Ref. 3, Andersen et al., 1980). HDI is also reported to inhibit mutagenesis induced by ultraviolet light in an *Escherichia coli* wild-type strain but not in DNA-repair-enzyme deficient strain (Ref. 12, Kawazoe et al., 1981)

D. Oncogenicity

The Mobay Corporation is conducting a 2-year inhalation toxicity/oncogenicity study for HDI. Male and female Fischer 344 rats were exposed to 0, 0.005, 0.025, and 0.125 ppm for 0 to 4 months and to 0.175 ppm thereafter. The exposure regimen was 6 hours per day, 5 days per week for approximately 24 months.

Sixty rats of each sex were exposed at each level, and 10 rats of each sex at each level for a satellite group. Preliminary review of the data indicated no toxicologically significant effects on body weight, ophthalmology or mortality; no other parameters were evaluated. The final report is scheduled to be completed during mid-1989 (Ref. 18, Mobay, 1988a).

E. Chronic (Long-term) Effects

No information was found.

F. Reproductive and Developmental Effects

No information was found.

G. Observations in Humans

Allegations of adverse health effects following exposure to HDI (and other diisocyanates) were the subject of a TSCA section 8(c) reporting rule (53 FR 1408; January 19, 1988). The rule required only submission of unknown or unreported adverse health effects. Several of these involved a two-part polyurethane enamel. The activator for this enamel contains over 70 percent HDI-polyisocyanate. According to the Material Safety Data Sheet, HDI monomer is controlled to <0.7 percent by weight. With aging, the monomer content may increase to 1.6 percent by weight (Ref. 6, Dupont, 1981.)

One case study describes an individual who inadvertently stepped into a puddle of two-part polyurethane enamel. This person began to experience immediate "trouble", which gradually worsened to a burning sensation up to mid thigh with aching discomfort and mild weakness in foot muscles. Another case associated exposure to the two-part polyurethane enamel with subsequent testicular cancer and terminal chest cancer. A third case involved 12 men employed in an unspecified job; all experienced urological problems allegedly due to exposure to this enamel (Ref. 7, Dupont, 1988).

Another reported incident involved firefighters exposed to the two-part polyurethane enamel. This paint was used in firehouses in Balitmore, MD between January 1982 and March 1984. Of 10 infants fathered during this 15-month interval, 8 died during spontaneous abortion or soon after birth. A similar report involved a man employed in an autobody shop and exposed to this enamel. He claimed that his exposure prior to and subsequent to the conception of his son was responsible for severe birth defects (Ref. 7, Dupont, 1988).

Many case-specific reports suggest adverse health effects following exposure to polymeric HDI. Of particular note is a case described by Malo et al. (1983, as cited in Karol, 1987, Ref. 11), in which an individual exposed to a spray paint containing polymeric HDI experienced shortness of breath, wheezing, malaise, and chills late in the afternoon on working days. Symptoms lasted for several hours and were accompanied by wheezing at night. Inhalation challenge under simulated occupational exposure conditions reproduced the symptoms and thereby identified the source of the active material.

A recently published study of Swedish car painters exposed both to HDI and biuret-modified HDI at average concentrations of 0.001 ppm and 0.013 ppm, respectively, demonstrated that pulmonary closing volume was increased in car painters relative to vital capacity; controls did not exhibit this decrement. The authors found this suggestive of "small airways disease" (Ref. 2, Alexandersson et al., 1987).

H. Rationale for Health Effects Recommendations.

Annual domestic production of HDI is about 11 million pounds. It is estimated that well over 1 million individuals are exposed to this chemical in the workplace, as a result of its use in coatings. Although one carcinogenicity study is currently being conducted in one rodent species, data are not available to assess fully the long-term effects of HDI. Therefore, the Committee recommends that chronic toxicity studies with carcinogenicity as an endpoint be conducted in another species in accordance with accepted guidelines for carcinogenicity testing. The Committee also is concerned about available human data suggesting potential reproductive impairment. Considering the lack of definitive reproductive and developmental effects data, the Commitee recommends that testing addressing these specific endpoints also be conducted.

IV. Ecological Effects of Concern

Since HDI is not expected to persist following release to the environment and should be rapidly transformed in the presence of water, ecological effects testing is not being recommended at this time.

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(5) CWA. Letter from D. LeGrande, Occupational Safety and Health Coordinator, Communication Workers of America (CWA), Washington, DC, to S. Strassman-Sundy, Risk Analysis Branch, Office of Toxic Substances, U.S. Environmental Protection Agency (March 31, 1988).

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2.3 *Chemicals recommended with intent-to-designate—2.3a Crotonaldehyde—Summary of recommended studies.* It is recommended that crotonaldehyde be tested for the following:

1. *Chemical fate:* Volatilization rate from water. Aerobic aquatic biodegradation rate.

2. *Health effects:* None.

3. *Ecological effects:* Acute toxicity to algae, fish, and aquatic invertebrates.

Physical and Chemical Information

CAS Number: 4170–30–3
Synonyms: 2–Butenal (9 CI); B–Methyl acrolein; Crotonal; Crotonic aldehyde; Propylene aldehyde.
Structural Formula:

$$CH_3CH{=}CHCHO$$

Empirical Formula: C_4H_6O
Molecular Weight: 70.1
Melting Point: -76.5°C (Ref. 6, Merck, 1983); -69°C (Ref. 8, Sax and Lewis, 1987)
Boiling Point: 104.0°C (Ref. 6, Merck, 1983); 102°C (Ref. 8, Sax and Lewis, 1987)
Vapor Pressure: 30 mmHg at 20°C (Ref. 8, Sax and Lewis, 1987); 19 mmHg at 20°C (Ref. 11, Verschueren, 1983)
Solubility in Water: 155 g/L at 20°C (Ref. 11, Verschueren, 1983); 18.1 g/100 g at 20°C (Ref. 6, Merck, 1983)
Specific Gravity: 0.853 at 20/20°C (Ref. 6, Merck, 1983)
Log Octanol/Water Partition Coefficient (log P): 0.55 (Est'd; Ref. 7, NRC, 1981)
Henry's Law Constant: 1.7×10^{-5} atm m^3/mole, calculated
Description of Chemical: Water white, mobile liquid with a pungent, suffocating odor (Ref. 8, Sax and Lewis, 1987)

Rationale for Recommendation

I. Exposure Information

A. *Production/Use/Release to Environment*

Most crotonaldehyde is manufactured from acetaldehyde using continuous, enclosed reactor systems via the aldol condensation route, although a variety of less common methods may be used (Ref. 4, Kirk-Othmer, 1979). Annual current and projected U.S. production is from 5 to 15 million pounds (Ref. 2, Eastman Kodak, 1987). Crotonaldehyde also may be formed naturally in the atmosphere by the interaction of reactive molecules such as ozone and hydroxyl radicals with hydrocarbons and their oxidation products (Ref. 7, NRC, 1981). Crotonaldehyde is used primarily as a chemical intermediate for the synthesis of other organic compounds such as n-butanol, sorbic acid, 3-methoxybutanal, and crotonic acid (Ref. 4, Kirk-Othmer, 1979). Releases of crotonaldehyde to the environment are expected to occur in wastewater.

B. *Evidence for Exposure*

Crotonaldehyde has been detected in the effluent of sewage treatment plants (Ref. 9, Shackelford and Keith, 1976). Exhaust from cars without emission controls was found to contain crotonaldehyde (Ref. 7, NRC, 1981). Crotonaldehyde also has been identified as a constituent of tobacco smoke (Ref. 3, Florin et al., 1980) and wood smoke (Ref. 5, Lipari et al., 1984).

II. Chemical Fate Information

A. *Transport*

Environmental releases are expected to be from wastewater. The physical and chemical properties of crotonaldehyde indicate that it will partition to both air and water following release to the environment. The Henry's Law Constant of 1.7×10^{-5} atm m^3/mole allows an estimation of the half-life in receiving stream water of 60 to 70 hours. Sorption to solids will not be significant.

B. *Persistence*

Crotonaldehyde released directly to the atmosphere or evaporated from surface water will be rapidly degraded by reactions with hydroxyl radicals and ozone and by direct sunlight photolysis. Biodegradation is expected to be the most significant transformation process in water, but no aquatic biodegradation rate data were found. The 5-day biochemical oxygen demand (BOD) for crotonaldehyde was reported as 37 percent of theory (Ref. 11, Verschueren, 1983) and 51 percent of theory (Ref. 10, Union Carbide, 1986). The Union Carbide reference also lists BOD data after 10, 15, and 20 days incubation as 60 percent, 64 percent and 70 percent of theory, respectively. These data suggest ready and complete biodegradation when sewage or sludge, which may be acclimated to crotonaldehyde, are used as the inoculum, but they do not permit a determination of the biodegradation half-life in receiving systems.

C. *Rationale for Chemical Fate Recommendation*

Since crotonaldehyde may be released to surface waters at manufacturing and use sites, it is necessary to obtain experimental data on volatilization rates from water and on the aerobic, aquatic biodegradation rate to better assess potential environmental concentrations.

III. Biological Effects of Concern to Human Health

The Committee determined that crotonaldehyde has been studied extensively for health effects and concluded that additional studies are not required. Therefore, health effects testing is not being recommended at this time.

IV. Ecological Effects of Concern

A. *Acute and Subchronic (Short-term) Effects*

An 85 percent aqueous solution of crotonaldehyde produced a 96-hour LC_{50} of 3.5 mg/L to bluegills (*Lepomis macrochirus*) in a static bioassay at 20° C (Ref. 1, Dawson et al., 1977). A 96-hour LC_{50} value of 2.8 mg/L with fathead minnows (*Pimephales promelas*) was reported by Union Carbide (Ref. 10, 1986). The 96-hour LC_{50} for tidewater silversides (*Menidia beryllina*) was reported to be 1.3 mg/L in a static bioassay at 20° C (Ref. 1, Dawson et al. 1977). Percent survival of silversides decreased with exposure time.

B. *Chronic (long-term) Effects*

No information was found.

C. *Other Ecological Effects*

Sewage treatment microorganisms were reported to be adversely affected by 25 to 50 mg/L crotonaldehyde (Ref. 10, Union Carbide, 1986). At concentrations from 0.05 to 1.0 percent, crotonaldehyde produced an immediate loss of the metachronic wave in the lateral cilia of freshwater mussels (*Lamellibranchiata unio*) (Ref. 12, Wynder et al., 1965). At the 0.5 and 1.0 percent concentrations, total stasis in mussel cilia was observed, with no recovery.

D. *Bioconcentration and Food-Chain Transport*

No information was found, but the high water solubility and low log P of crotonaldehyde make it unlikely that any sigificant bioconcentration will occur.

E. *Rationale for Ecological Effects Recommendation*

The available data, from tests using nominal concentrations in static tests, show that crotonaldehyde has significant acute toxicity to both freshwater and marine fish. It is necessary to develop more reliable acute toxicity data using measured concentrations of crotonaldehyde in flow-through or static-renewal tests, using algae, fish, and aquatic invertebrates.

References

(1) Dawson, G.W., Jennings, A.L. Drozdowski, D., Rider, E. "The acute toxicity of 47 industrial chemicals to fresh and saltwater fishes," *Journal of Hazardous Materials*. 1:303–318 (1977).

(2) Eastman Kodak. Letter from R.D. Gerwe, Senior Product Safety Representative, Eastman Kodak Co., Kingsport, TN to R.H. Brink, TSCA Interagency Testing Committee (June 19, 1987).

(3) Florin, I., Rutberg, L., Curvall, M., and Enzell, C.R. "Screening of tobacco smoke constituents for mutagenicity using the Ames' test," *Toxicology*. 18:219–232 (1980).

(4) Kirk-Othmer. *Kirk-Othmer Encyclopedia of Chemical Technology*. New York, NY: John Wiley & Sons, Inc. Vol. 7, pp. 207–218 (1979).

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(7) NRC. National Research Council. *Formaldehyde and Other Aldehydes*. Washington, DC: National Academy Press (1981).

(8) Sax, N.I. and Lewis, R.J., Sr. *Howley's Condensed Chemical Dictionary*. 11th Rev. Ed. New York, NY: Van Nostrand Reinhold Co. p. 323 (1987).

(9) Shackelford, W.M., Keith, L.H. "Frequency of organic compounds identified in water," Athens, GA: U.S. Environmental Protection Agency, Environmental Research Laboratory. EPA Report No. EPA–600/4–76–062. p. 102 (1976).

(10) Union Carbide. Letter from D.L. Heywood, Assistant Director, Product Safety, Union Carbide Corp., Danbury, CT to U.S. Environmental Protection Agency (May 2, 1986).

(11) Verschueren, K. *Handbook of Environmental Data on Organic Chemicals*. 2nd Ed. New York, NY: Van Nostrand Reinhold Co. pp. 410–411 (1983).

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2.4. *Chemicals recommended without being designated for response within 12 months—2.4.a Imidazolium quaternary ammonium compounds—Summary of recommended studies.* It is recommended that the imidazolium quaternary ammonium compounds, 4,5-dihydro-1-methyl-2-nortallow alkyl-1-(2-tallow amidoethyl), methyl sulfates (IQAC) be tested for the following:

1. *Chemical fate:* Aerobic and anaerobic biodegradation of IQAC sorbed to freshwater and estuarine sediments.

2. *Health effects:* Chronic toxicity studies to evaluate potential effects through long-term dermal exposure.

3. *Ecological effects:* Acute and chronic studies to evaluate effects on representative freshwater and estuarine benthic organisms.

Physical and Chemical Information

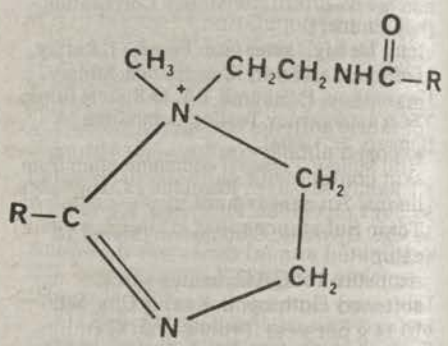
CAS Number: 68122–86–1

9 CI Name: Imidazolium compounds, 4,5-dihydro-1-methyl-2-nortallow alkyl-1-(2-tallow amidoethyl), Me sulfates

Synonym: Imidazolium quaternary ammonium compounds

Acronym: IQAC

Structural Formula:



where R=tallow

Empirical Formula (typically): $C_{37}H_{74}N_3O$ to $C_{41}H_{82}N_3O$

Molecular Weight: 577.0 for $R=C_{15}H_{31}$; 633.1 for $R=C_{17}H_{35}$

Boiling Point: <260°C (Ref. 3, Capital City Products, 1986)

Solubility in Water: 19.2 mg/L in deionized water after 16 days of continuous mixing; 0.5 mg/L in filtered river water after 16 days of continuous mixing (Ref. 4, Procter and Gamble, 1984a)

Specific Gravity: No information was found.

Log Octanol/Water Partition Coefficient (log P): 2.15, measured (Ref. 4, Proter and Gamble, 1984a)

Rationale for Recommendations

I. Exposure Information

A. Production/Use/Release to Environment

IQAC production in 1984 was estimated at about 15 million pounds in the U.S. (Ref., 4, Procter and Gamble, 1984a). The TSCA Inventory update contains confidential 1986 production information for IQAC. The major use of IQAC appears to be in fabric softeners used during the clothes-washing process. Analogs of IQAC that might also be used in fabric softener formulations include chemical mixtures with the following CAS Nos.: 68132–27–4, 69011–82–1, 70775–90–5, 71060–67–8, 71060–68–9, 72275–90–2, 72623–81–5 and 72623–82–6. If these compounds or

similar imidazolium quaternary ammonium compounds are used now, or in the future, in substantial quantities as ingredients in fabric softeners for consumer use, the Committee would have the same environmental fate, health effects and ecological effects concerns for them as for IQAC. IQAC and any of its analogs used in fabric softeners are likely to be released to the environment in wastewater following their use.

B. Evidence for Exposure

General population exposure to IQAC may be high given its use in fabric softeners used in laundry washing machines. Consumers who use this type of fabric softener are likely to be exposed almost continuously through skin contact with clothing, towels and linens. An assessment by the Office of Toxic Substances (Ref. 1, Battin, 1988a) estimated annual consumer dermal exposure to IQAC, from exposure to softened clothing, linens, etc., at 4.06 to 10.14 g per year. Procter and Gamble (Ref. 4, 1984a) estimated daily consumer exposure to IQAC, from clothing to skin, to be 0.07 mg active compound per kg per day for adults and 0.14 mg active compound per kg per day for children assuming IQAC is deposited on fabrics at 0.17 mg/in^2. No environmental monitoring studies were found. An assessment by the Office of Toxic Substances (Ref. 1, Battin, 1988a) estimated receiving stream concentrations of 1 to 1,300 ug/L at manufacturing sites and 0.05 to 50 ug/L near use sites, depending upon location and stream flows. Procter and Gamble (Ref. 4, 1984a) estimated that consumer use of IQAC would yield raw wastewater concentrations of about 170 ug/L.

II. Chemical Fate Information

A. Transport

The physical and chemical properties of IQAC indicate that it will partition significantly to sludge solids and sediments with some remaining dissolved in water. The estimated very low vapor pressure and moderate solubility rule out volatilization as an important factor. The cationic nature of these compounds will contribute to their sorption to sludge and sediment solids which generally are negatively charged and it is expected that IQAC will sorb to solids within a short time after release to the environment.

B. Persistence

No published information was found on the persistence of IQAC. A summary report of an unpublished study (Ref. 4, Procter and Gamble, 1984a) showed about 50 percent biodegradation in 34 days in diluted activated sludge, as determined by following the evolution of radiolabelled carbon dixoide. The concentration of IQAC was not reported. BOD studies reported by Sherex (Ref. 6, 1984) showed 2 percent of theoretical oxygen uptake after 5 days and 19 percent after 30 days. While this indicates that IQAC is biodegradable under aerobic conditions, it also indicates that biodegradation in surface waters is likely to be slow. IQAC is expected to partition significantly to sediments following release to the environment and its persistence in sediments, under both aerobic and anaerobic conditions, is unknown. Also unknown is the persistence of IQAC under conditions found in estuaries and the ocean. Persistence in saline waters may be different than in fresh water. Nitrilotriacetic acid, for example, was found to be resistant to biodegradation in estuarine waters (Ref. 2, Bourquin and Przybyszewski, 1977) although it is readily biodegraded by acclimated microorganisms in fresh water.

C. *Rationale for Chemical Fate Recommendations*

IQAC is likely to sorb strongly to waste treatment sludges and receiving stream organic sediments and may persist for relatively long time periods following sorption. Since it is being released continuously to both fresh water and estuarine receiving waters and may persist for relatively long periods of time, there may be a tendency for it to accumulate in estuarine, river and lake sediments near discharge points, with gradually increasing concentrations. There is a need to better determine the persistence of IQAC, dissolved in water and sorbed to sediments. It is recommended that those studies be conducted under conditions typical of both fresh surface waters and estuarine waters and that studies with IQAC sorbed to sediment be conducted under both aerobic and anaerobic conditions. Information from these studies is needed to better assess the potential concentration of IQAC in receiving waters and sediment and the potential hazard to aquatic and benthic organisms.

III. Biological Effects of Concern to Human Health

A. *Metabolism and Toxicokinetics*

A summary of metabolism studies (Ref. 4, Procter and Gamble, 1984a) using radiolabelled IQAC (^{14}C on the N-methyl group) suggests that the compound is poorly absorbed in rats via both oral and dermal routes. Upon oral administration, less than 1 percent of the oral dose was absorbed and metabolized. Eighty-seven percent of the oral dose was eliminated in feces within 24 hours. A "small but significant amount of radioactivity was found in the bone marrow" (Ref. 4, Procter and Gamble, 1948a). Less than 0.5 percent of the dermal dose was absorbed, with a small amount of radioactivity found in the bone marrow.

B. *Acute and Subchronic (Short-term) Effects.*

Summary reports on unpublished data from acute oral, dermal skin irritation, eye irritation, skin sensitization, and subchronic toxicity studies with IQAC were submitted by Procter and Gamble (Ref. 4, 1984a and Ref. 5, 1988). Data from acute oral, skin and eye irritation, and skin sensitization studies were submitted by Sherex (Ref. 6, 1984). Acute oral tests with IQAC in rats yielded an LD_{50} of 20.8 g/kg in one test (Ref. 6, Sherex, 1984) and 2 deaths out of 10 in another test at a dose level of about 18 g active compound per kg (Ref. 4, Procter and Gamble, 1984a). In another study, no deaths were reported with oral doses up to 16 cc of IQAC dispersion (13.5 wt percent solid) per kg (Ref. 6, Sherex, 1984).

Procter and Gamble reported moderate to severe irritation for IQAC instilled into the conjunctival sac of rabbit eyes unrinsed after treatment (Ref. 4, 1984a). However, it produced minimal irritation to rinsed rabbit eyes (Ref. 4, Procter and Gamble, 1984a; Ref. 6, Sherex, 1984).

Percutaneous studies with IQAC in rabbits yielded a minimum lethal dose of greater than 1.8 g active compound per kg (Ref. 4, Procter and Gamble, 1984a).

Primary skin irritation studies conducted with IQAC on intact and abraded rabbit skin indicated moderate to severe irritation in one study (Ref. 4, Procter and Gamble, 1984a) and only mild irritation in another (Ref. 6, Sherex, 1984).

Skin sensitization studies with IQAC by Procter and Gamble (Ref. 4, 1984a) showed delayed contact hypersensitivity in 17 out of 20 guinea pigs tested. Sherex (Ref. 6, 1984), on the other hand, reported that IQAC was not a strong sensitizer in guinea pigs tested with three different lots.

In a subchronic toxicity study (Ref. 4, Procter and Gamble, 1984a) four groups of 20 male and 20 female rats each were fed a diet containing IQAC at concentrations of 0, 10, 100, or 1,000 mg

active compound per kg per day for 13 weeks. There were no treatment-related changes in mean body weights or food consumption. Lower total protein and higher serum glutamic-pyruvic transaminase values were observed in blood samples of males in the 1,000 mg per kg group. These males also showed lower absolute and relative liver weights. No treatment-related changes were observed in bone marrow. The no-observable-effects level (NOEL) was 100 mg per kg per day. According to Procter and Gamble, this level is at least 10 million times the expected daily human exposure to IQAC in drinking water.

In a percutaneous subchronic toxicity test, two groups of 5 male and 5 female rabbits each were treated topically with 2 mL per kg per day IQAC at dose levels of 3 or 27 mg active compound per kg per day for 13 weeks (Ref. 4, Procter and Gamble, 1984a). A control group of 5 males and 5 females received the vehicle, distilled water. Slight to moderate erythema, edema, and desquamation were observed in treated animals at both doses. No treatment-related changes were observed in clinical pathology, bone marrow smears, body weights, organ weights, microscopic changes in skin, or histopathologic changes to internal organs. The NOEL for systemic toxicity was 27 mg active compound kg per day.

C. *Genotoxicity*

IQAC was tested for mutagenicity in the *Salmonella* assay (with and without metabolic activation), mouse lymphoma assay, rat *in vitro* cytogenetics assay, and for unscheduled DNA synthesis in human diploid cells (Ref. 4, Procter and Gamble, 1984a). IQAC did not show mutagenic effects in any of the assays.

D. Oncogenicity

No information was found.

E. Reproductive and Developmental Effects

Rats were administered IQAC (78 percent active compound) by gavage at dose levels of 200 or 600 mg active compound per kg daily from days 6 to 12 or 15 of gestation (Ref. 4, Procter and Gamble, 1984a). A control group received the vehicle, 15 percent w/v aqueous isopropanol. Doses were given to each group of 30 females at a constant volume of 2 mL per kg per day. The animals were observed for mortality, clinical signs, body weight changes, and food consumption. No maternal deaths were observed. A decrease in food consumption was found in the 600 mg per kg per day group during the first 3 days. Overall reproduction parameters and pregnancy rates were unaffected. The incidences of skeletal and soft-tissue defects were not significantly different between the treated and the control groups. At the highest dose tested (600 mg active compound per kg per day) no maternal or developmental toxicity was observed.

F. Chronic (Long-term) Effects

No information was found.

G. Observations in Humans

Little or no irritation was observed with human volunteers in a skin irritation test with a dilute, aqueous dispersion of 0.3 mL IQAC per occluded patch (Ref. 4, Procter and Gamble, 1984a). IQAC was tested in three 24-hour exposures over a 6-day period at concentrations of 0.5, 1.0, and 5.0 percent w/v. In another Procter and Gamble study (Ref. 4, 1984a), 217 volunteers received 9 exposures to 0.25 percent w/v aqueous IQAC (0.3 mL per occluded patch) applied for a 24-hour period, 3 times a week during a 3-week induction period. No skin sensitization was observed when subjects were challenged 2 weeks later with 0.25 percent w/v IQAC in a single 24-hour occluded patch test.

H. Rationale for Health Effects Recommendations

It has been estimated that fabric softeners that are applied to the fabrics during the washing process are widely used in the U.S. Annual U.S. consumption of imidazolium quaternary ammonium type fabric softeners has been estimated at about 15 million pounds. It is quite apparent that a significant portion of the population is exposed, on a nearly continuous basis, to these chemicals in clothing, towels and bed linens. Dermal exposure tests reported to date have involved only acute or short-term exposures. IQAC produced moderate to severe skin irritation in rabbits and was a skin sensitizer in guinea pigs.

Although exposure concentrations used in short-term studies were reported to be several-fold higher than estimated human exposures from softened fabrics, information from these short-term, intermittent-exposure tests is not useful in predicting what effects might occur with long-term (years) continuous exposure. It is therefore recommended that IQAC and commercially important analogs be tested for chronic toxicity to evaluate potential effects resulting from long-term dermal exposure.

IV. Ecological Effects of Concern

A. Acute and Subchronic (Short-term) Effects

Data submitted by Procter and Gamble (Ref. 4, 1984a) show moderate toxicity to bluegills, mysid shrimp and *Daphnia magna*. The presence of anionic surfactants or the use of natural surface water with sediments mitigated the effects on bluegills and daphnia. No data were found for benthic organisms and this is a data gap of concern since IQAC will sorb to and may concentrate in sediments near wastewater discharge sites.

B. Chronic (Long-term) Effects

No published information was found but Procter and Gamble (Ref. 5, 1988) indicated that data have been developed with a hydrogenated analog of IQAC in chronic studies with midge.

C. Other Ecological Effects (Biological, Behavioral, or Ecosystem Processes)

IQAC was reported (Ref. 4, Procter and Gamble, 1984a) to inhibit algal growth at relatively low concentrations. The algistatic concentrations were 0.037 mg/L for a *Selenastrum* sp. and 0.23 mg/L for a *Microcystis* sp.

D. Bioconcentration and Food-chain Transport

The measured log P of 2.15 indicates a potential for some bioconcentration. Procter and Gamble (Ref. 4, 1984a) reported a measured bioconcentration factor (BCF) of 10.7 for bluegills exposed to 8.8 g/L IQAC in a flow-through system. This report is suspect because the reported concentration of IQAC is well above its water solubility. Nevertheless, the evidence is that there may be some bioconcentration.

E. Rationale for Ecological Effects Recommendations

Environmental fate considerations indicated that IQAC will sorb strongly to sludge solids and sediments. It may persist for relatively long time periods under these conditions and may accumulate in sediments near wastewater discharges. This information plus the known toxicity of IQAC to fish, aquatic invertebrates and algae, raise concerns for benthic organisms. Acute toxicity data should be obtained for representative freshwater and estuarine benthic organisms and, if these compounds are found to be relatively persistent, chronic studies on the same organisms may be warranted.

References

(1) Battin, A. Memorandum on exposure and release of imidazolium quaternary ammonium compounds in liquid fabric softeners from Andrew Battin, Exposure Assessment Branch, Office of Toxic Substances, U.S. Environmental Protection Agency, to John D. Walker, Test Rules Development Branch. (February 2, 1988a.)

(2) Bourquin, A.W. and Przybyszewski, V.A. "Distribution of bacteria and nitrilotriacetate-degrading potential in an estuarine environment." *Applied and Environmental Microbiology.* 34:411–418 (1977).

(3) Capital City Products. Material Safety Data Sheet on Accosoft 808 75 and product literature submitted by Capital City Products, Janesville, WI (November 12, 1986).

(4) Procter and Gamble. Letter from T.W. Mooney, Manager, Technical Government Relations, The Procter and Gamble Co., Cincinnati, OH, to Arthur Stern, TSCA Interagency Testing Committee. (September 12, 1984a.)

(5) Procter and Gamble. Letter from R.N. Sturm, Associate Director, Bar Soap & Household Cleaning Product Development, Procter and Gamble Co., Cincinnati, OH, to Robert Brink, TSCA Interagency Testing Committee (April 19, 1988).

(6) Sherex. Letter from Howard H. Hickman, Manager of Regulatory Affairs, Sherex Chemical Co., Dublin, OH, to Martin Greif, TSCA Interagency Testing Committee. (January 17, 1984.)

2.4.b *Ethoxylated quaternary ammonium compounds—Summary of recommended studies.* It is recommended that ethoxylated quaternary ammonium compounds, EEQ (CAS No. 68153–35–5) and PEQ (CAS No. 68410–69–5) and any commercially important analogs of PEQ (e.g., CAS Nos. 68389–88–8, 68389–89–9, 68413–04–7, 68554–06–3 and 70914–06–3) be tested for the following:

1. *Chemical fate:* Aerobic and anaerobic biodegradation of the ethoxylated quaternary ammonium compounds sorbed to freshwater and estuarine sediments.

2. *Health effects:* Chronic toxicity studies to evaluate potential effects through long-term dermal exposure.

3. *Ecological effects:* Acute and chronic effects on representative freshwater and estuarine benthic organisms.

Physical and Chemical Information

CAS No.: 68153–35–5

9 CI Name: Ethanaminium, 2-amino-N-[2-aminoethyl)-N-(2-hydroxyethyl]-N-methyl-, N,N'-ditallow acyl derivs., Me sulfates (salts)

Synonyms:

Ethoxylated ethanaminium quaternary ammonium compounds;

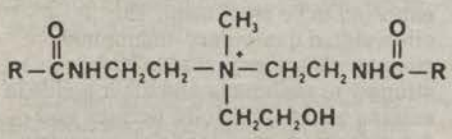
N,N-Bis(2-tallow amidoethyl)-N-(2-hydroxyethyl)-N-methylammonium methyl sulfate;

N,N-Di(2-tallow amidoethyl)-N-(2-hydroxyethyl)-N-methylammonium methyl sulfate;

Quaternary ammonium compounds, (hydroxyethyl)-methylbis(2-tallow amidoethyl), Me sulfates

Acronym: EEQ

Structural Formula:



where R = tallow

Empirical Formula (typically): $C_{39}H_{80}N_3O_3$ to $C_{43}H_{88}N_3O_3$

Molecular Weight:

639.1 where R = $C_{15}H_{31}$

695.5 where R = $C_{17}H_{35}$

Melting Point: 170°C, estimated (Ref. 2, Battin, 1988c)

Boiling Point: 567°C, estimated (Ref. 2, Battin, 1988c)

Vapor Pressure: 2.86×10^{-7} mmHg at 25°C, estimated (Ref. 2, Battin, 1988c)

Solubility in Water: 35 mg/L in deionized water after 14 days of continuous mixing (Ref. 5, Procter and Gamble, 1984b)

Specific Gravity: No information was found.

Log Octanol/Water Partition Coefficient (log P): 2.48, measured (Ref. 5, Proctor and Gamble, 1984b)

Henry's Law Constant: 7.71×10^{-19} atm m^3/mole, estimated (Ref. 2, Battin, 1988c)

Log Adsorption Coefficient (log K_{oc})≤ 2.27, estimated (Ref. 2, Battin, 1988c)

Physical and Chemical Information

CAS No.: 68410–69–5

9 CI Name: Poly(oxy-1,2-ethanediyl), α-[2-[bis(2-aminoethyl)methylammonio]-ethyl]-ω-hydroxy-, N,N-ditallow acyl derivs., Me sulfates (salts)

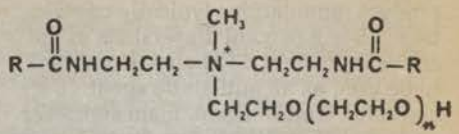
Synonyms:

Methyl tallow diethylenetriamine condensate, polyethoxylated, methyl sulfate;

Quaternary ammonium compounds, (2-hydroxyethyl) methylbis(2-tallow amidoethyl), Me sulfates, ethoxylated

Acronym: PEQ

Structural Formula:



where R = tallow and n = 1–7

Empirical Formula (typically): $C_{41}H_{84}N_3O_4$ to $C_{57}H_{116}N_3O_{10}$

Molecular Weight:

683.2 where R = $C_{15}H_{31}$ and n = 1

1,003.9 where R = $C_{17}H_{35}$ and n = 7

Melting Point: No information was found.

Boiling Point: No information was found.

Vapor Pressure: No information was found.

Solubility in Water: No information was found.

Solubility in Organic Solvents: No information was found.

Specific Gravity: No information was found.

Log Octanol/Water Partition Coefficient (log P): No information was found.

Henry's Law Constant: No information was found.

Log Adsorption Coefficient (log Koc): No information was found.

Rationale for Recommendations

I. Exposure Information

A. Production/Use/Environmental Release

It was estimated that the market for EEQ in 1984 was about 25 million pounds per year in the U.S. (Ref. 5, Procter and Gamble, 1984b). Information obtained during the ITC review of these chemicals indicated that in recent years PEQ has taken a large share of the market away from EEQ. TSCA Inventory update information contains a total for 1986 production and import of EEQ that is classified as confidential business information (CBI). Production and import of PEQ was not reported for the TSCA Inventory update. The lack of PEQ data in the updated Inventory contrasts with reports (to Dynamac Corp.) from industry of substantial current PEQ production. The Committee is unable to obtain current production and import data for PEQ and its analogs because they are classified as polymers and are exempt from Inventory update reporting. However, because of the potential for widespread chronic exposures they are all recommended for testing.

The major use for both EEQ and PEQ is in fabric softeners for industrial and consumer applications. Consumer

product formulations typically contain from 3.5 to 8 percent dispersions of the active ingredient. EEQ also is reported to be used as an anti-static agent, corrosion control agent, foam stabilizer and emulsifier (Ref. 5, Procter and Gamble 1984b). During and after use, these compounds will be released to the environment, mostly in wastewater from clothes-washing operations.

Analogs of PEQ, which also may be used as fabric softeners, and that are included in the recommended testing, are shown in the following Table 5:

TABLE 5—ADDITIONAL ETHOXYLATED QUATERNARY AMMONIUM COMPOUNDS RECOMMENDED FOR TESTING IF USED IN SUBSTANTIAL QUANTITIES IN FABRIC SOFTENING APPLICATIONS

CAS No.	Chemical name
68389-88-8	Poly(oxy-1,2-ethanediyl), α-[2-[bis(2-aminoethyl)methylammonio]ethyl]-ω-hydroxy-, N,N'-dicoco acyl derivs., Me sulfates (salts)
68389-89-9	Poly(oxy-1,2-ethanediyl), α-[2-[bis(2-aminoethyl)methylammonio]ethyl]-ω-hydroxy-, N,N'-bis(hydrogenated tallow acyl) derivs., Me sulfates (salts)
68413-04-7	Poly[oxy(methyl-1,2-ethanediyl)], α-[2-[bis(2-aminoethyl)methylammonio]methyl-ethyl-ω-hydroxy—, N,N'-ditallow acyl derivs.
68554-06-3	Poly(oxy-1,2-ethanediyl), α-[3-[bis(2-aminoethyl)methylammonio]-2-hydroxypropyl]-ω-hydroxy-, N-coco acyl derivs., Me sulfates (salts)
70914-09-9	Poly(oxy-1,2-ethanediyl), α-[2-[bis(2-aminoethyl)methylammonio]ethyl]-ω-hydroxy-, N,N'-di-C_{14-18} acyl derivs., Me sulfates (salts)

B. Evidence for Exposure

1. *Evidence for human exposure.* General population exposure to PEQ may be high given its use in fabric softeners. Ethoxylated quaternary ammonium fabric softeners are used in detergent formulations and in products designed for addition to washing machines prior to the last deep rinse of the wash cycle. The major route of exposure is skin contact with fabrics that have been treated with the fabric softener. Consumers who use these types of fabric softeners are likely to be exposed almost continuously through skin contact with clothing, towels and bed linens. Procter and Gamble (Ref. 5, 1984b) estimated daily consumer exposure to a "similar compound," from clothing to skin to be 0.07 mg active compound per kg per day for adults and 0.14 mg active compound per kg per day for children, assuming EEQ is deposited on fabrics at 0.17 mg/in^2. Sherex (Ref. 8, 1987) indicated that PEQ and EEQ are similar chemically and with respect to use. Therefore, the exposure estimates made by Procter and Gamble for EEQ appear to be applicable to PEQ.

An assessment by the Office of Toxic Substances (Ref. 1, Battin, 1988b) estimated annual consumer dermal exposure to this kind of compound, from exposure to softened clothing, linens, etc, at 1.08 to 2.69 g per year. Human exposure via drinking water is not expected to be significant. The ethoxylated quaternary ammonium compounds are expected to sorb strongly to sediments and other solids in surface waters and soils. Surface and ground waters used for drinking water will receive treatment (e.g., flocculation and sedimentation) that will further reduce the concentration of dissolved ethoxylated quaternary ammonium compounds. It has been estimated that surface waters used for drinking water supplies would contain no more than 0.35 μg/L of these compounds (Ref. 5, Procter and Gamble, 1984b).

2. *Evidence for environmental exposure.* No monitoring studies were found. An assessment by the Office of Toxic Substances (Ref. 1, Battin, 1988b) estimated receiving stream concentrations of 0.03 to 0.25 ug/L at manufacturing sites and 0.02 to 18.5 ug/L near use sites, depending upon location and stream flows. Procter and Gamble (Ref. 5, 1984b) estimated that consumer uses of EEQ would yield raw wastewater concentrations of about 280 ug/L. Most (95 percent or more) will be sorbed by sludge solids during wastewater treatment and the concentration of EEQ in treatment plant effluents was estimated at 35 ug/L.

II. Chemical Fate Information

A. *Transport*

The physical and chemical properties of the ethoxylated quaternary ammonium compounds indicate that they will partition strongly to sludge solids and organic sediments. The estimated low vapor pressure and moderate solubility in water rule out volatilization as an important factor. The cationic nature of these compounds will contribute to their sorption to sludge and sediment solids which generally are negatively charged.

B. *Persistence*

No published information was found on the persistence of the ethoxylated quaternary ammonium fabric softeners. A summary report of unpublished information (Ref. 5, Procter and Gamble, 1984b) showed 24 to 34 percent biodegradation after 138 days, using EEQ at 10 and 100 ug/L in river water and following carbon dioxide evolution. BOD studies using PEQ reported by Sherex (Ref. 7, 1984) showed 18 percent of theoretical oxygen uptake after 5 days and 31 percent after 30 days. While this indicates that EEQ and PEQ are biodegradable under aerobic conditions in river water, it also indicates that aerobic biodegradation will be relatively slow. The Procter and Gamble report (Ref. 5, 1984b) noted that the river water biodegradation studies were conducted with and without sediment but did not provide details. These quaternary ammonium compounds are expected to partition to sediments following release to the environment and their persistence in sediments, under both aerobic and anaerobic conditions, is unknown. Also unknown is the persistence of these compounds under conditions found in estuaries and the ocean. Persistence in saline water may be different than in fresh water. Nitrilotriacetic acid, for example, was found to be resistant to biodegradation in estuarine waters (Ref. 3, Bourquin and Przybyszewski, 1977) although it is readily biodegraded by acclimated microorganisms in fresh water.

C. *Rationale for Chemical Fate Recommendations*

EEQ, PEQ and PEQ analogs are likely to sorb strongly to waste treatment sludges and receiving stream organic sediments and may persist for relatively long time periods following sorption. Since they are being continuously released to both fresh water and estuarine receiving waters and may persist for relatively long periods of time there may be a tendency for these compounds to accumulate in estuarine, river and lake sediments near discharge points, with gradually increasing concentrations. There is a need to better define the persistence of these compounds, under both aerobic and anaerobic conditions, when sorbed to organic sediments typical of both freshwater and estuarine conditions. This information is needed in order to better assess the potential concentrations of these compounds in the sediments and the potential hazard to benthic organisms.

III. Biological Effects of Concern to Human Health

A. *Metabolism and Toxicokinetics*

No information was found.

B. *Acute and Subchronic (Short-term) Effects*

Summary reports on unpublished data from acute oral, percutaneous, ocular, skin irritation and subchronic toxicity

studies with EEQ were submitted by Procter and Gamble (Ref. 5, 1984b; Ref. 6, 1988). Data on acute oral, eye irritation, skin irritation and skin sensitization studies with PEQ were submitted by Sherex (Ref. 7, 1984). Data from acute oral, eye irritation and primary skin irritation studies with PEQ were provided by Capital City Products (Ref. 4, 1987).

The acute oral tests with EEQ and PEQ were all conducted using rats. Studies with EEQ yielded a minimum lethal dose greater than 15 g/kg. Studies with a 4 percent dispersion of PEQ showed an LD_{50} greater than 15.38 g/kg.

Minimal eye irritation was observed for EEQ instilled in the conjunctival sac of rabbit eyes unrinsed after treatment. PEQ was rated minimally irritating after instillation to unrinsed rabbit eyes.

Percutaneous studies with undiluted EEQ applied occluded to clipped intact and abraded backs of rabbits at dose levels of 2 g per kg for 24 hours yielded a minimum lethal does greater than 1.5 g per kg (the only dose tested) with a 14-day post-application period for mortality.

EEQ was applied occluded or on an open patch to clipped intact and abraded rabbit backs for 24 hours. Mild to moderate skin irritation was observed for up to 48 hours after patch removal. PEQ was applied to gauze patches and exposed to clipped intact and abraded rabbit backs for 24 hours. The substance was rated mildly to severely irritating following observations at 24 and 72 hours.

A skin sensitization study reported by Procter and Gamble (Ref. 5, 1984b) employed 25 percent (w/v) EEQ in 80:20 ethanol: Water solution applied in occluded patches to the clipped backs of guinea pigs for six hours, once a week, during a three-week induction period. The EEQ treated animals were challenged with 20 percent (w/v) EEQ in acetone for a single 6-hour occluded exposure approximately two weeks after completion of induction. Five out of 20 induced guinea pigs showed signs of delayed contact hypersensitivity. These studies led to the conclusion with EEQ is a mild skin sensitizer in guinea pigs. Similar studies reported by Sherex (Ref. 7, 1984) concluded that PEQ is not a skin sensitizer.

In a subchronic toxicity study (Ref. 5, Procter and Gamble, 1984b) rabbits were treated topically with 2 mL per kg per day of EEQ at a dose level of 300 mg of active compound per kg per day, five days per week for 4 weeks. Each group contained five males and five females. There were no treatment-related changes in body weights, body weight gain, organ weights or organ to body weight ratios. It was also reported that there were no treatment-related clinical changes. However, animals receiving EEQ had significantly greater mean corpuscular volumes in week 4 than the controls and there was an increased incidence of dermal inflammation, of diffuse distribution and associated with acanthosis, that was considered treatment-related. An increased incidence of dermatitis was attributed to "random variation."

C. Genotoxicity

In summary reports it was stated that EEQ was tested for mutagenicity in the *Salmonella* assay, with and without metabolic activation, and the mouse lymphoma assay (Ref. 5, Procter and Gamble 1984b) and that those tests produced negative results. No information was found for PEQ or the other ethoxylated quaternary ammonium compounds recommended in this Report.

D. Oncogenicity

No information was found.

E. Reproductive and Developmental Effects

No information was found.

F. Chronic (Long-term) Effects

No information was found.

G. Observations in Humans

Little or no irritation was observed with human volunteers in a skin irritation test with aqueous dispersions of EEQ using 0.3 mL of EEQ per occluded patch (Ref. 5, Procter and Gamble, 1984b). EEQ was tested in a single 24-hour and three 24-hour exposures over a 6-day period at concentrations up to 20 percent (w/v). In another Procter and Gamble study (Ref. 5, 1984b), 87 volunteers received 9 exposures to 10 percent (w/v) aqueous EEQ and 205 volunteers received 9 exposures to 25 percent (w/v) aqueous EEQ (0.3 mL per occluded patch) applied for a 24-hour period, 3 times a week during a 3-week induction period. No skin sensitization was observed when subjects were challenged two weeks later with a single 24-hour occluded patch with the same concentration used during induction.

H. Rationale for Health Effects Recommendations

It has been estimated that fabric softeners that are applied to fabrics during the washing process are widely used in the U.S. Annual U.S. consumption of the ethoxylated quaternary ammonium type fabric softeners has been estimated at about 25 million pounds. It is quite apparent that a significant portion of the population is exposed, on a nearly continuous basis, to these chemicals in clothing, toweling and bed linens. Exposure will be primarily dermal although there may be very low concentrations in some drinking water supplies. Dermal exposure tests reported to date have involved only acute or short-term exposures. EEQ was described as a mild to severe irritant and PEQ was mildly irritating when applied to rabbit skin. EEQ was a mild skin sensitizer in some guinea pig studies.

Although exposure concentrations used in short-term studies were reported to be several-fold higher than estimated human exposures from softened fabrics, information from these short-term, intermittent-exposure tests is not useful in predicting what effects might occur with long-term (years) continuous exposure. It is therefore recommended that EEQ, PEQ and commercially important analogs of PEQ be tested for chronic toxicity to evaluate potential effects resulting from long-term dermal exposure.

IV. Ecological Effects of Concern

A. Acute and Subchronic (Short-term) Effects

Summary data submitted by Procter and Gamble (Ref. 5, 1984b) show EEQ toxicity to bluegills, sheepshead minnows, mysid shrimp and *Daphnia magna* water fleas, with LC_{50} values ranging from 0.3 to 45 mg/L. The presence of an anionic surfactant or the use of natural surface waters with sediments mitigated the effects on bluegills and daphnia. No data were found for benthic organisms and this is a data gap of concern since these compounds are likely to partition to sediments following release to the environment. No data were found for PEQ or its analogs.

B. Chronic (Long-term) Effects

No information was found.

C. Other Ecological Effects (Biological, Behavioral or Ecosystem Processes)

EEQ was reported to inhibit algal growth at moderately low concentrations (Ref. 5, Procter and Gamble, 1984b). The algistatic concentrations were 1.33 mg/L for a *Selenastrum* sp., 0.52 mg/L for a *Mycrocystis* sp., and 9.4 mg/L for a *Dunaliella* sp. No data were found for PEQ or its analogs.

D. Bioconcentration and Food-chain Transport

The measured log P of 2.48 for EEQ indicates a potential for some bioconcentration. Procter and Gamble (Ref. 5, 1984b) reported an estimated bioconcentration factor (BCF) of 45 for EEQ, based on the log P. No information was found for PEQ or its analogs.

E. Rationale for Ecological Effects Recommendations

Environmental fate considerations indicate that the ethoxylated quaternary ammonium compounds will sorb strongly to sludge solids and sediments. They may persist for relatively long periods of time under those conditions and accumulate in sediments in the vicinity of wastewater discharges. This information plus the demonstrated toxicity of EEQ to fish, aquatic invertebrates and algae, raise concerns for benthic organisms. Acute toxicity should be determined for representative freshwater and estuarine benthic organisms and, if the ethoxylated quaternary ammonium compounds are found to be relatively persistent in the environment, chronic studies on the same organisms may be warranted.

References

(1) Battin, A. Memorandum on exposure and release of ethoxylated quaternary ammonium compounds in liquid fabric softeners from Andrew Battin, Exposure Assessment Branch, Office of Toxic Substances, U.S. Environmental Protection Agency, to John D. Walker, Test Rules Development Branch. (February 2, 1988b).

(2) Battin, A. Memorandum on physical/chemical property estimations from Andrew Battin, Exposure Assessment Branch, Office of Toxic Substances, U.S. Environmental Protection Agency, to Robert Brink, TSCA Interagency Testing Committee (April 8, 1988c).

(3) Bourquin, A.W. and Przybyszewski, V.A. "Distribution of bacteria and nitrilotriacetate-degrading potential in an estuarine environment," *Applied and Environmental Microbiology*. 34:411–418 (1977).

(4) Capital City Products. Letter and unpublished information from John B. Braunwarth, Operations Manager, Capital City Products Co. Janesville, WI, to Robert Brink, TSCA Interagency Testing Committee (February 18, 1987).

(5) Procter and Gamble. Letter and unpublished information from T.W. Mooney, Manager, Technical Government Relations, The Procter and Gamble Co., Cincinnati, OH, to Arthur Stern, TSCA Interagency Testing Committee (September 12, 1984b).

(6) Procter and Gamble. Letter from R.N. Sturm, Associate Director, Bar Soap and Household Cleaning Product Development, Procter and Gamble Co., Cincinnati, OH, to Robert Brink, TSCA Interagency Testing Committee (April 19, 1988).

(7) Sherex. Unpublished information submitted from Howard M. Hickman, Sherex Chemical Co., Inc., Dublin, OH, to Martin Greif, TSCA Interagency Testing Committee (January 17, 1984).

(8) Sherex. Personal communication from Howard Hickman of Sherex Chemical Co., Inc. Dublin, OH, to L. Borghi, Dynamac Corporation (January 13, 1987).

[FR Doc. 88–11254 Filed 5–19–88; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 712 and 716

[OPTS-84028; FRL-3382-1]

Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Interagency Testing Committee (ITC) in its Twenty-second Report to EPA recommended that EPA give priority consideration to ten chemical substances in proposing chemical test rules. To assist EPA in its determination of which, if any, tests are needed for these substances, EPA is adding the ten substances to the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information Rule (PAIR). Eight of these ten substances are also being added to the TSCA section 8(d) Health and Safety Data Reporting Rule.

DATE: This rule shall become effective on June 20, 1988.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Acting Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St., SW., Washington, DC 20460, Telephone: (202-554-1404).

SUPPLEMENTARY INFORMATION: This rule adds ten chemical substances to the PAIR and eight of these ten chemical substances to the section 8(d) Health and Safety Data Reporting Rule. Manufacturers, processors, and importers of these chemicals will be required to report unpublished health and safety data and/or end use, exposure, and volume data to the Agency. Elsewhere in today's issue of the **Federal Register**, EPA is announcing the receipt of the Twenty-second Report of the ITC, which was transmitted to EPA on May 2, 1988.

I. Background

Section 4(e) of TSCA established the ITC and authorized it to recommend to EPA chemical substances and mixtures (chemicals) to be given priority consideration in proposing chemical test rules. For some of these chemicals the ITC may designate that EPA must respond to its recommendations within 12 months. In this time, EPA must either initiate a rulemaking to test the chemical or publish in the **Federal Register** its reasons for not doing so. For the remainder of the recommended substances, no time limit for Agency response is imposed.

Elsewhere in today's issue of the **Federal Register**, EPA is announcing the receipt of the Twenty-second Report of the ITC, which was transmitted to EPA on May 2, 1988. The Twenty-second Report revises and updates the Committee's priority list of chemicals and adds ten substances to the section 4(e) priority list. This rule adds these ten substances to the PAIR and eight of the ten substances to the section 8(d) Health and Safety Data Reporting Rule which will require manufacturers, importers, and processors to report unpublished health and safety data and/or volume, end use, and exposure data to EPA. The two substances added to the PAIR but which are not added to the section 8(d) Health and Safety Data Reporting Rule are not being added because they were previously listed under the section 8(d) rule (Hexane, 1,6-diisocyanato- (CAS Number 822-06-0) 52 FR 16022, May 1, 1987; 2-Butenal (CAS Number 4170-30-3) 51 FR 2890, January 22, 1986).

To assist EPA in responding to the ITC recommendations, EPA has developed two model information-gathering rules (PAIR and the section 8(d) Health and Safety Data Reporting Rule) which provide for the automatic addition to ITC priority list substances. Whenever EPA announces the receipt of an ITC report, EPA may, at the same time without notice and comment, amend the two model information-gathering rules by adding the recommended substances. The amendment adding these substances to the PAIR and the Health and Safety Data Reporting Rule becomes effective 30 days after publication.

EPA issued PAIR under section 8(a) of TSCA (15 U.S.C. 2607(a)), and it is codified at 40 CFR Part 712. This model section 8(a) rule established standard reporting requirements for manufacturers and importers of the chemicals listed in the rule. These manufacturers and importers are required to submit a one-time report on general volume, end use, and exposure information using the Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710-35). EPA uses this model section 8(a) rule to gather current information on substances of concern quickly.

EPA issued the model Health and Safety Data Reporting Rule under section 8(d) of TSCA (15 U.S.C. 2607(d)), and it is codified at 40 CFR Part 716. EPA revised the section 8(d) model rule on September 15, 1986 (51 FR 32720). The section 8(d) model rule requires past, current, and prospective manufacturers, importers, and processors of listed chemical substances and mixtures to submit to EPA copies and lists of unpublished health and safety studies on the listed chemicals that they manufacture, import, or process. These studies provide EPA with useful information and have provided significant support for EPA's decisionmaking under TSCA sections 4, 5, 6, 8, and 9.

II. Chemicals To Be Added

The following ITC priority list substances for which reporting is required under 40 CFR Parts 712 and/or 716 are listed by ITC designation in ascending Chemical Abstracts Service Registry Number (CAS No.) order:

A. *Designated for response within 12 months:*

CAS No. and Name

822-06-0 Hexane, 1,6-diisocyanato-

B. *Recommended with Intent-to-Designate:*

CAS No. and Name

4170-30-3 2-Butenal

C. *Recommended without being designated for response within 12 months:*

CAS No. and Name

68122-86-1 Imidazolium compounds, 4,5-dihydro-1-methyl-2-nortallow alkyl-1-[2-tallow amidoethyl], Me sulfates

68153-35-5 Ethanaminium, 2-amino-*N*-[2-aminoethyl]-*N*-(2-hydroxyethyl)-*N*-methyl-, *N,N'*-ditallow acyl derivs., Me sulfates (salts)

68389-88-8 Poly[oxy-1,2-ethanediyl), alpha-[2-[bis[2-aminoethyl]methylammonio]ethyl]-omega-hydroxy-,*N,N'*-dicoco acyl derivs., Me sulfates (salts)

68389-89-9 Poly[oxy-1,2-ethanediyl), alpha-[2-[bis[2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-,*N,N'*-bis[hydrogenated tallow acyl) derivs., Me sulfates (salts)

68410-69-5 Poly[oxy-1,2-ethanediyl), alpha-[2-[bis[2-aminoethyl]methylammonio]ethyl]-omega-hydroxy-,*N,N'*-ditallow acyl derivs., Me sulfates (salts)

68413-04-7 Poly[oxy[methyl-1,2-ethanediyl)], alpha-[2-[bis[2-aminoethyl)methylammonio]methylethyl]-omega-hydroxy-, *N,N'*-ditallow acyl derivs., Me sulfates (salts)

68554-06-3 Poly[oxy-1,2-ethanediyl), alpha-[3-[bis[2-aminoethyl]methylammonio]-2-hydroxypropyl]-omega-hydroxy-, *N*-coco acyl derivs., Me sulfates (salts)

70914-09-9 Poly[oxy-1,2-ethanediyl), alpha-[2-[bis[2-aminoethyl]methylammonio]ethyl]-omega-hydroxy-,*N,N'*-di-C_{14-18} acyl derivs., Me sulfates (salts)

III. Reporting Requirements

A. Preliminary Assessment Information Rule

All persons who manufactured or imported the substances named in this rule during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710–35) for each manufacturing or importing site at which they manufactured or imported a named substance. A separate form must be completed for each substance and submitted to the Agency no later than August 18, 1988. Persons who have previously and voluntarily submitted a Manufacturer's Report to the ITC or EPA should read § 712.30(a)(3). This section allows these persons to submit a copy of the original Report to EPA or to notify EPA by letter of their desire to have this submission accepted in lieu of a current data submission.

Complete details of the reporting requirements, including exemptions and a facsimile of the reporting form, are fully described in 40 CFR Part 712. Copies of the form are available from the TSCA Assistance Office at the address which precedes Unit I.

B. Health and Safety Data Reporting Rule

Listed below are the general reporting requirements of the section 8(d) model rule.

1. Persons who, in the 10 years preceding the date a substance is listed, either have proposed to manufacture, import, or process, or have manufactured, imported, or processed, the listed substance must submit to EPA:

A copy of each health and safety study which is in their possession at the time the substance is listed.

2. Persons who, at the time the substance is listed, propose to manufacture, import, or process; or are manufacturing, importing, or processing the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time the substance is listed.

b. A list of health and safety studies known to them but not in their possession at the time the substance is listed.

c. A list of health and safety studies that are ongoing at the time the substance is listed and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the date the substance is listed and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of completion date.

3. Persons who, after the time the substance is listed, propose to manufacture, import, or process the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time they propose to manufacture, import, or process the listed substance.

b. A list of health and safety studies known to them but not in their possession at the time they propose to manufacture, import, or process the listed substance.

c. A list of health and safety studies that are ongoing at the time they propose to manufacture, import, or process the listed substance, and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the time they propose to manufacture, import, or process the listed substance, and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of the completion date.

Detailed guidance for reporting unpublished health and safety data is provided in the section 8(d) Health and Safety Data Reporting Rule published in the **Federal Register** of September 15, 1986 (51 FR 32720) (40 CFR 716.60). Also found there are the reporting exemptions.

C. Submission of PAIR Reports and Section 8(d) Studies

PAIR reports and section 8(d) health and safety studies must be sent to: TSCA Document Processing Center (TS–790), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. ATTN: (insert either PAIR or 8(d) Reporting)

D. Removal of Chemicals From the Rules

Any person who believes that section 8 (a) or (d) reporting required by this rule is unwarranted, should promptly submit to the Agency in detail the reasons for that belief. EPA may then remove the substance from this rule. When withdrawing a substance from the rule, EPA will issue a rule amendment for publication in the **Federal Register**.

IV. Release of Aggregate Data

The Agency will follow procedures for the release of aggregate statistics as prescribed in a rule related notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Included in the notice are procedures for requesting exemptions from the release of aggregate data. Exemption requests concerning the release of aggregate data on any chemical substance must be received by EPA no later than August 18, 1988.

V. Economic Analysis

A. Preliminary Assessment Information Rule

EPA estimates the PAIR reporting cost of this rule is $12,915. To calculate this figure EPA used the TSCA Inventory to generate a list of manufacturers and importers of these substances. Since no companies qualify as small businesses as defined in 40 CFR 712.25(c), EPA expects six firms to report a total of eleven reports.

Reporting Cost (dollars)

(a) 11 reports expected at $807/report	$8,877
(b) 6 familiarization cases at $673/case	4,038
Total	12,915
Average cost per site	2,153
Average cost per firm	2,153

Reporting Burden (hours)

(a) Familiarization: 18 hours per site × 6 sites	108
(b) Reporting: 16 hours per report × 11 reports	176
Total	284 hours

EPA Cost

Processing Cost = 11 reports × $91/report = $1,001.

B. Health and Safety Data Reporting Rule

EPA estimates the total reporting costs for establishing section 8(d) reporting requirements for these substances is $18,890. This cost estimate is relatively high, because the Agency is uncertain about the likely number of respondents to the rule. Although EPA has used the best available data to make its economic projections, much of the data is not current. Therefore, EPA intends to overestimate rather than underestimate the reporting burden.

Nevertheless, the cost of this rule is low in comparison with its potential benefits. Health and safety studies concerning these substances would improve EPA's ability to identify potential public health and environmental problems with regard to these chemicals. The Agency therefore

would be better able to determine whether further regulatory action would be necessary.

The estimated reporting costs are broken down as follows:

Initial corporate review	$2,040
Site identification	1,224
File searches at affected sites	2,484
Title listing	126
Photocopying	1,627
Managerial review	9,792
Reporting on newly-initiated studies	90
Submissions after initial reporting period	1,507
Total	18,890

VI. Rulemaking Record

The following documents constitute the record for this rule (docket control number OPTS–84028). All of these documents are available to the public in the TSCA Public Docket Office from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Rm. NE–G004, 401 M St., SW., Washington, DC.

1. This final rule.

2. The economic analyses for this rule.

3. The Twenty-second Report of the ITC.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This rule is not major because it will not result in an effect on the economy of $100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This amendment was not submitted to the Office of Management and Budget (OMB) for review, because the automatic listing of designated substances is provided for in 40 CFR 712.30(c) and 716.18(b)—final rules which have been previously reviewed by OMB under the terms of the Executive Order.

B. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control numbers 2070–0054 and 2070–0004.

List of Subjects in 40 CFR Parts 712 and 716

Chemicals, Environmental protection, Hazardous substances, Health and safety data, Recordkeeping and reporting requirements.

Dated: May 6, 1988.

J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

Therefore, 40 CFR Chapter I is amended as follows:

PART 712—[AMENDED]

1. In Part 712:

a. The authority citation for Part 712 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

b. Section 712.30 is amended by adding the following substances to paragraph (w) in CAS Number order as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(w) * * *

CAS No.	Substance	Effective date	Reporting date
822-06-0	Hexane, 1,6-diisocyanato-	6/20/88	8/18/88
4170-30-3	2-Butenal	6/20/88	8/18/88
68122-86-1	Imidazolium compounds, 4,5-dihydro-1-methyl-2-nortallow alkyl-1-(2-tallow amidoethyl), Me sulfates	6/20/88	8/18/88
68153-35-5	Ethanaminium, 2-amino-*N*-(2-aminoethyl)-*N*-(2-hydroxyethyl)-*N*-methyl-, *N,N*-ditallow acyl derivs., Me sulfates (salts)	6/20/88	8/18/88
68389-88-8	Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-, *N,N*-dicoco acyl derivs., Me sulfates (salts)	6/20/88	8/18/88
68389-89-9	Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl-omega-hydroxy-, *N,N*-bis (hydrogenated tallow acyl) derivs., Me sulfates (salts)	6/20/88	8/18/88
68410-69-5	Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-, *N,N*-ditallow acyl derivs., Me sulfates (salts)	6/20/88	8/18/88
68413-04-7	Poly[oxy(methyl-1,2-ethanediyl)], alpha-[2-[bis(2-aminoethyl)methylammonio]methylethyl]-omega-hydroxy-, *N,N*-ditallow acyl derivs., Me sulfates (salts)	6/20/88	8/18/88
68554-06-3	Poly(oxy-1,2-ethanediyl), alpha-[3-[bis(2-aminoethyl)methylammonio]-2-hydroxypropyl]-omega-hydroxy-, *N*-coco acyl derivs., Me sulfates (salts)	6/20/88	8/18/88
70914-09-9	Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-, *N,N*-di-C_{14-18} acyl derivs., Me sulfates (salts)	6/20/88	8/18/88

PART 716—[AMENDED]

2. In Part 716:

a. The authority citation for Part 716 continues to read as follows:

Authority: 15 U.S.C. 2607(d).

b. By adding substances to paragraph (a)(1) numerically by CAS Number, and alphabetically to paragraph (a)(2) of § 716.120 to read as follows:

§ 716.120 Substances and listed mixtures to which this subpart applies.

* * * * *

(a) * * *

(1) * * *

CAS No.	Substance	Special exemptions	Effective date	Sunset data
68122-86-1	Imidazolium compounds, 4,5-dihydro-1-methyl-2-nortallow alkyl-1-(2-tallow amidoethyl), Me sulfates.		6/20/88	6/20/98
68153-35-5	Ethanaminium, 2-amino-*N*-(2-aminoethyl)-*N*-(2-hydroxyethyl)-*N*-methyl-, *N,N*-ditallow acyl derivs., Me sulfates (salts).		6/20/88	6/20/98

CAS No.	Substance	Special exemptions	Effective date	Sunset data
68389-88-8	Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-,*N,N'*-dicoco acyl derivs., Me sulfates (salts).	.....	6/20/88	6/20/98
68389-89-9	Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-,*N,N'*-bis(hydrogenated tallow acyl) derivs., Me sulfates (salts).	.....	6/20/88	6/20/98
68410-69-5	Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-,*N,N'*-ditallow acyl derivs., Me sulfates (salts).	.....	6/20/88	6/20/98
68413-04-7	Poly[oxy(methyl-1,2-ethanediyl)], alpha-[2-[bis(2-aminoethyl)methylammonio]methylethyl]-omega-hydroxy-, *N,N'*-ditallow acyl derivs., Me sulfates (salts).	.....	6/20/88	6/20/98
68554-06-3	Poly(oxy-1,2-ethanediyl), alpha-[3-[bis(2-aminoethyl)methylammonio]-2-hydroxypropyl]-omega-hydroxy-, *N*-coco acyl derivs., Me sulfates (salts).	.....	6/20/88	6/20/98
70914-09-9	Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-,*N,N'*-di-C_{14-18} acyl derivs., Me sulfates (salts).	.....	6/20/88	6/20/98

* * * * * * * *

(2) * * *

Substance	CAS No.	Special exemptions	Effective date	Sunset date
* * * * * * * *				
Ethanaminium, 2-amino-*N*-(2-aminoethyl)-*N*-(2-hydroxyethyl)-*N*-methyl-, *N,N'*-ditallow acyl derivs., Me sulfates (salts).	68153-35-5	.....	6/20/88	6/20/98
* * * * * * * *				
Imidazolium compounds, 4,5-dihydro-1-methyl-2-nortallow alkyl-1-(2-tallow amidoethyl), Me sulfates.	68122-86-1	.....	6/20/88	6/20/98
* * * * * * * *				
Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-, *N,N'*-bis(hydrogenated tallow acyl) derivs., Me sulfates (salts).	68389-89-9	.....	6/20/88	6/20/98
Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-, *N,N'*-di-C_{14-18} acyl derivs., Me sulfates (salts).	70914-09-9	.....	6/20/88	6/20/98
Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-, *N,N'*dicoco acyl derivs., Me sulfates (salts).	68389-88-8	.....	6/20/88	6/20/98
Poly(oxy-1,2-ethanediyl), alpha-[2-[bis(2-aminoethyl)methylammonio]ethyl]-omega-hydroxy-, *N,N'*-ditallow acyl derivs., Me sulfates (salts).	68410-69-5	.....	6/20/88	6/20/98
Poly[oxy(methyl-1,2-ethanediyl)], alpha-[2-[bis(2-aminoethyl)methylammonio]methylethyl]-omega-hydroxy-,*N,N'*-ditallow acyl derivs., Me sulfates (salts).	68413-04-7	.....	6/20/88	6/20/98
Poly(oxy-1,2-ethanediyl), alpha-[3-[bis(2-aminoethyl)methylammonio]-2-hydroxypropyl]-omega-hydroxy-,*N*-coco acyl derivs., Me sulfates (salts).	68554-06-3	.....	6/20/88	6/20/98
* * * * * * * *				

[Approved by the Office of Management and Budget under control number 2070-0004)

[FR Doc. 88-11123 Filed 5-19-88; 8:45 am]

BILLING CODE 6560-50-M

Federal Register

Friday
May 20, 1988

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 99

Security Control of Air Traffic; Modification of the U.S. Air Defense Identification Zones (ADIZ); Final Rule and Request for Comments

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 99

[Docket No. 25113; Amdt. 99-13]

Security Control of Air Traffic; Modification of the U.S. Air Defense Identification Zones (ADIZ)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action amends Part 99 of the Federal Aviation Regulations by changing the lateral boundaries of ADIZ's around the Continental U.S., Alaska, and Guam. Additionally, this action makes editorial changes and deletes references to Distant Early Warning Identification Zones (DEWIZ), Domestic ADIZ's, and Coastal ADIZ's. The action is taken at the request of the Department of Defense for reasons of national security.

DATES: *Effective date*: June 30, 1988.

Comment date: Comments must be received by August 15, 1988.

ADDRESSES: Comments may be mailed or delivered in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. [25113], 800 Indpendence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald C. Matthews, Air Traffic Rules Branch, ATO-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Even though this action is in the form of a final rule which involves airspace modifications and was not preceded by notice and public procedure, comments are invited on the rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire on any portion of the rule. When the comment period ends, the FAA will use the comments submitted together with other available information, to review the regulations. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulations. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this final rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 25113." The postcard will be date/time stamped and returned to the commenter. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Background

Air defense identification zones (ADIZ) are areas of airspace primarily over international waters, that are established to facilitate the monitoring of aircraft operations for national security and other purposes.

On October 23, 1986, the FAA received a petition from the U.S. military Joint Chiefs of Staff to initiate rulemaking action in order to amend portions of the Pacific and Gulf of Mexico Coastal ADIZ's by deleting those areas that lay south of the U.S. border with the Republic of Mexico.

Subsequent requests, the latest of which was received in December 1987, amended to original petition for realignment by requesting the realignment of Alaska DEWIZ to include the Aleutian Islands. Additionally, the Joint Chiefs of Staff requested that the FAA make editorial name changes to delete ambiguous terms such as Coastal, Gulf, Domestic, Pacific, and Distant Early Warning when referring to the different areas and, for standardization purposes, use the single term Air Defense Identification Zones. The ADIZ realignment was developed in support of the North American Defense Command (NORAD) mission of controlling access to sovereign airspace and peacetime mission of national security.

Additionally, the U.S. Air Force requested by letter dated September 29, 1987, that the FAA realign the Guam ADIZ. This request for a rule amendment is based on the increase in the level of potential threats to U.S. government personnel and facilities on the island of Guam.

The Department of Defense (DOD) by letter dated April 19, 1988, requested the FAA to upgrade the priority of the ADIZ petition and asked that the implementation of the ADIZ realignment be expedited.

Discussion

The FAA has reviewed the requests for amendment to Part 99 and finds that amendment to the ADIZ boundaries in Part 99 of the Federal Aviation Regulations is necessary to reconcile issues of Mexican sovereign airspace specifically, the alteration of the ADIZ in the Gulf of Mexico and in the southwest portion of the U.S., off the coast of lower California, aligns the ADIZ so that it does not extend into the sovereign airspace of the Republic of Mexico.

The alteration of the existing ADIZ boundaries in the Alaskan area would alleviate current flight plan and position reporting requirements for those pilots conducting operations in the Aleutian Island chain who presently depart some of the island airports and routinely must exit and reenter the ADIZ. Additionally, this amendment will eliminate a gap in the ADIZ on the western shore of Canada by providing a continuous ADIZ between the U.S. airspace and the Canadian Domestic ADIZ.

In regard to the requested modification of the Guam ADIZ, the FAA agrees with the DOD that an inner ADIZ for the defense of the Mariana Islands is necessary. Such an ADIZ will facilitate the implementation of new air defense procedures without causing any undue interference with local air traffic.

Additionally, the FAA concurs with the DOD in the simplification of the nomenclature of ADIZ's by removing references to specific types ad location names of ADIZ's. To accommodate the simplification aspect, minor editorial changes are necessary in the following: Sections 99.11, 99.13, 99.17, 99.19, 99.21, 99.23, 99.25, 99.43, 99.45, and 99.47.

The DOD has requested implementation of the revised boundaries of the ADIZ at the earliest possible date which would permit inclusion of the action in revised aeronautical charts to be issued on June 30, 1988. In response to the DOD assessment of the importance of the ADIZ realignment for national defense objectives, the FAA finds that further delay in the implementation of the rule for public notice and comment under 5 U.S.C. 553 is impracticable and contrary to the public interest. Further, the FAA notes that a change in the ADIZ boundaries, primarily over international waters, is not the type of action which would normally involve public comment but for the change in the descriptive language in FAR Part 99. Neither the ADIZ action nor the editorial revisions

affect in any way the operating procedures which apply in the ADIZ or affect designations of controlled airspace or special use airspace. Notwithstanding the minimal impact of this action, the FAA is requesting comments on the final rule. Comments received will be used in determining whether additional rulemaking is needed.

For the above reasons the FAA has determined that this action is not a "major rule" under Executive Order 12291; is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and does not warrant preparation of a regulatory evaluation as the overall impact on users of the system is to be minimal.

Federalism Determination

The amendment set forth herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The regulations set forth in this notice would be promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which has been construed to preempt state law regulating the same subject. Therefore, in accordance with Executive Order 12612, it is determined that such a regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

The FAA has also consulted with the Department of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854 inasmuch as this amendment involves airspace outside of the United States.

Adoption of the Amendment

Accordingly, Part 99 of the Federal Aviation Regulations (14 CFR Part 99) is amended, effective 0901 u.t.c., June 30, 1988, as follows:

The Amendment

For the above reasons the FAA revises FAR Part 99 (14 CFR Part 99) as follows:

PART 99—SECURITY CONTROL OF AIR TRAFFIC

Subpart A—General

Sec.

Subpart B—Designated Air Defense Identification Zones

Authority: 49 U.S.C. 1348, 1354(a), 1502, 1510, and 1522; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

Subpart A—General

§ 99.1 Applicability.

(a) This subpart prescribes rules for operating civil aircraft in a defense area, or into, within, or out of the United States through an Air Defense Identification Zone (ADIZ), designated in Subpart B.

(b) Except for § 99.7, this subpart does not apply to the operation of an aircraft—

(1) In an ADIZ north of 30 degrees north latitude or west 86 degrees west latitude at a true airspeed of less than 180 knots;

(2) In the Alaskan ADIZ at a true airspeed of less than 180 knots while the pilot maintains a continuous listening watch on the appropriate frequency;

(3) From any point in the 48 contiguous States on an outbound track through the Southern Border ADIZ;

(4) Within the 48 contiguous States and the District of Columbia, or within the State of Alaska, which remains within 10 nautical miles of the point of departure; or

(5) Over any island, or within 3 nautical miles of the coastline of any island, in the Hawaiian ADIZ.

(c) Except as provided in § 99.7, the radio and position reporting requirements of this subpart do not apply to the operation of an aircraft within the 48 contiguous States and the District of Columbia, or within the State of Alaska, if that aircraft does not have two-way radio and is operated in accordance with a filed DVFR flight plan containing the time and point of ADIZ penetration and that aircraft departs within 5 minutes of the estimated departure time contained in the flight plan.

(d) An FAA ATC center may exempt the following operations from this subpart (except Section 99.7), on a local basis only, with the concurrence of the military commanders concerned:

(1) Aircraft operations that are conducted wholly within the boundaries of an ADIZ and are not currently significant to the air defense system.

(2) Aircraft operations conducted in accordance with special procedures prescribed by the military authorities concerned.

§ 99.3 General.

(a) The Air Defense Identification Zone (ADIZ) is an area of airspace over land or water in which the ready identification, location, and control of civil aircraft is required in the interest of national security.

(b) Unless designated as an ADIZ, a Defense Area is any airspace of the United States in which the control of aircraft is required for reasons of national security.

(c) For the purposes of this Part, a Defense Visual Flight Rules (DVFR) flight is a flight within an ADIZ conducted under the visual flight rules in Part 91.

§ 99.5 Emergency situations.

In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from the rules in this Part to the extent required by that emergency. He shall report the reasons for the deviation to the communications facility where flight plans or position reports are normally filed (referred to in this Part as "an appropriate aeronautical facility") as soon as possible.

§ 99.7 Special security instructions.

Each person operating an aircraft in an ADIZ or Defense Area shall, in addition to the applicable rules of this Part, comply with special security instructions issued by the Administrator in the interest of national security and that are consistent with appropriate agreements between the FAA and the Department of Defense.

§ 99.9 Radio requirements.

Except as provided in § 99.1(c), no person may operate an aircraft in an ADIZ unless the aircraft has a functioning two-way radio.

§ 99.11 ADIZ flight plan requirements.

(a) No person may operate an aircraft in or penetrate an ADIZ unless that

person has filed a flight plan with an appropriate aeronautical facility.

(b) Unless ATC authorizes an abbreviated flight plan—

(1) A flight plan for IFR flight must contain the information specified in § 91.83; and

(2) A flight plan for VFR flight must contain the information specified in § 91.83(a) (1) through (7).

(3) If airport of departure is within the Alaskan ADIZ and there is no facility for filing a flight plan then:

(i) Immediately after takeoff or when within range of an appropriate aeronautical facility, comply with provisions of paragraph (b)(1) or (b)(2) as appropriate.

(ii) Proceed according to the instructions issued by the appropriate aeronautical facility.

(c) The pilot shall designate a flight plan for VFR flight as a DVFR flight plan.

§ 99.15 Arrival or completion notice.

The pilot in command of an aircraft for which a flight plan has been filed shall file an arrival or completion notice with an appropriate aeronautical facility, unless the flight plan states that no notice will be filed.

§ 99.17 Position reports; aircraft operating in or penetrating an ADIZ; IFR.

The pilot of an aircraft operating in or penetrating an ADIZ under IFR—

(a) In controlled airspace, shall make the position reports required in § 91.125; and

(b) In uncontrolled airspace, shall make the position reports required in § 99.19.

§ 99.19 Position reports; aircraft operating in or penetrating an ADIZ; DVFR.

No pilot may operate an aircraft penetrating an ADIZ under DVFR unless—

(a) That pilot reports to an appropriate aeronautical facility before penetration: The time, position, and altitude at which the aircraft passed the last reporting point before penetration and the estimated time of arrival over the next appropriate reporting point along the flight route;

(b) If there is no appropriate reporting point along the flight route, that pilot reports at least 15 minutes before penetration: The estimated time, position, and altitude at which he will penetrate; or

(c) If the airport departure is within an ADIZ or so close to the ADIZ boundary that it prevents his complying with paragraphs (a) or (b) of this section, that pilot has reported immediately after taking off: the time of departure, altitude, and estimated time of arrival over the first reporting point along the flight route.

§ 99.21 Position reports; aircraft entering the United States through an ADIZ; United States aircraft.

The pilot of an aircraft entering the United States through an ADIZ shall make the reports required in §§ 99.17 or 99.19 to an appropriate aeronautical facility.

§ 99.23 Position reports; aircraft entering the United States through an ADIZ; foreign aircraft.

In addition to such other reports as ATC may require, no pilot in command of a foreign civil aircraft may enter the U.S. through an ADIZ unless that pilot makes the reports required in §§ 99.17 or 99.19 or reports the position of the aircraft when it is not less than one hour and not more than 2 hours average cruising distance from the United States.

§ 99.27 Deviation from flight plans and ATC clearances and instructions.

(a) No pilot may deviate from the provisions of an ATC clearance or ATC instruction except in accordance with § 91.75 of this chapter.

(b) No pilot may deviate from the filed IFR flight plan when operating an aircraft in uncontrolled airspace unless that pilot notifies an appropriate aeronautical facility before deviating.

(c) No pilot may deviate from the filed DVFR flight plan unless that pilot notifies an appropriate aeronautical facility before deviating.

§ 99.29 Radio failure; DVFR.

If the pilot operating an aircraft under DVFR in an ADIZ cannot maintain two-way radio communications, the pilot may proceed in accordance with original DVFR flight plan or land as soon as practicable. The pilot shall report the radio failure to an appropriate aeronautical facility as soon as possible.

§ 99.31 Radio failure; IFR.

If a pilot operating an aircraft under IFR in an ADIZ cannot maintain two-way radio communications, the pilot shall proceed in accordance with § 91.127 of this chapter.

Subpart B—Designated Air Defense Identification Zones

§ 99.41 General.

The airspace above the areas described in this subpart is established as an ADIZ Defense Area. The lines between points described in this subpart are great circles except that the lines joining adjacent points on the same parallel of latitude are rhumb lines.

§ 99.42 Conterminous U.S. ADIZ.

The area bounded by a line 26°00'N, 96°35'W; 26°00'N, 95°00'W; 26°30'N, 95°00'W; then along 26°30'N to; 26°30'N, 84°00'W; 24°00'N, 83°00'W; 24°00'N, 80°00'W; 24°00'N, 79°25'W; 25°40'N, 79°25'W; 27°30'N, 78°50'W; 30°45'N, 74°00'W; 39°30'N, 63°45'W; 43°00'N, 65°48'W; 41°15'N, 69°30'W; 40°32'N, 72°15'W; 39°55'N, 73°00'W; 39°38'N, 73°00'W; 39°36'30"N, 73°40'30"W; 39°30'N, 73°45'W; 37°00'N, 75°30'W; 36°10'N, 75°10'W; 35°10'N, 75°10'W; 32°01'N, 80°32'W; 30°50'N, 80°54'W; 30°05'N, 81°07'W; 27°59'N, 79°23'W; 24°49'N, 80°00'W; 24°49'N, 80°55'W; 25°10'N, 81°12'W; then along a line 3 nautical miles from a shoreline to; 25°45'N, 81°27'W; 25°45'N, 82°07'W; 28°55'N, 83°30'W; 29°20'N, 85°00'W; 30°00'N, 86°00'W; 30°00'N, 88°30'W; 29°00'N, 89°00'W; 28°45'N, 90°00'W; 29°26'N, 94°00'W; 28°42'N, 95°17'W; 28°05'N, 96°30'W; 26°25'N, 96°30'W; 26°00'N, 96°35'W; 25°58'N, 97°07'W; then westward along the Mexican Border to 32°32'03"N, 117°07'25"W; 32°30'N, 117°20'W; 32°00'N, 118°24'W; 30°45'N, 120°50'W; 29°00'N, 124°00'W; 37°42'N, 130°40'W; 48°20'N, 132°00'W; 48°20'N, 128°00'W; 48°30'N, 125°00'W; 48°29'38"N, 124°43'35"W; 48°00'N, 125°15'W; 46°15'N, 124°30'W; 43°00'N, 124°40'W; 40°00'N, 124°35'W; 38°50'N, 124°00'W; 34°50'N, 121°10'W; 34°00'N, 120°30'W: 32°00'N, 118°24'W; 32°30'N, 117°20'W; 32°32'03"N, 117°07'25"W.

§ 99.43 Alaska ADIZ.

The area bounded by a line 54°00'N, 136°00'W; 56°57'N, 144°00'W; 57°00'N, 145°00'W; 53°00'N, 158°00'W; 50°00'N, 169°00'W; 50°00'N, 180°00'; 50°00'N, 170°00'E; 53°00'N, 170°00'E; 60°00'N, 180°00'; 65°00'N, 169°00'W; then along 169°00'W to; 75°00'N, 169°00'W; then along the 75°00'N parallel to; 75°00'N; 141°00'W to; 69°50'N, 141°00'W; 71°18'N, 156°44'W; 69°52'N, 163°00'W; then south along 163°00'W to; 54°00'N, 163°00'W; 56°30'N, 154°00'W; 59°20'N, 146°00'W; 59°30'N, 140°00'W; 57°00'N, 136°00'W; 54°35'N, 133°00'W; to point of beginning.

§ 99.45 Guam ADIZ.

(a) *Inner boundary.* From a point 13°52'07"N, 143°59'16"E, counterclockwise along the 50-nautical-mile radius arc of the NIMITZ VORTAC (located at 13°27'11"N, 144°43'51"E); to a point 13°02'08"N, 145°28'17"E; then to a point 14°49'07"N, 146°13'58"E; counterclockwise along the 35-nautical-mile radius arc of the SAIPAN NDB (located at 15°06'46"N, 145°42'42"E); to a point 15°24'21"N, 145°11'21"E; then to the point of origin.

(b) *Outer boundary.* The area bounded by a circle with a radius of 250 NM centered at latitude 13°32'41"N, longitude 144°50'30"E.

§ 99.47 Hawaii ADIZ.

(a) *Outer boundary.* The area included in the irregular octagonal figure formed by a line connecting 26°30'N, 156°00'W; 26°30'N, 161°00'W; 24°00'N, 164°00'W; 20°00'N, 164°00'W; 17°00'N, 160°00'W; 17°00'N, 156°00'W; 20°00'N, 153°00'W; 22°00'N, 153°00'W; to point of beginning.

(b) *Inner boundary.* The inner boundary to follow a line connecting 22°30'N, 157°00'W; 22°30'N, 160°00'W; 22°00'N, 161°00'W; 21°00'N, 161°00'W; 20°00'N, 160°00'W; 20°00'N, 156°30'W; 21°00'N, 155°30'W; to point of beginning.

§ 99.49 Defense Area.

All airspace of the United States is designated as Defense Area except that airspace already designated as Air Defense Identification Zone.

Issued in Washington, DC, on May 13, 1988.

T. Allan McArtor,

Administrator.

[FR Doc. 88-11191 Filed 5-17-88; 12:30 pm]

BILLING CODE 4910-13-M

Federal Register

Friday
May 20, 1988

Part IV

Department of Transportation

Urban Mass Transportation Administration

49 CFR Part 639

Capital Leases; Notice of Proposed Rulemaking and Request for Comments

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 639

[Docket No. 88-C]
RIN 2132-AA28

Capital Leases

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: This Notice of Proposed Rulemaking and request for comments is issued by the Urban Mass Transportation Administration (UMTA) to implement section 308 of the Surface Transportation and Uniform Relocation Assistance Act of 1987. Section 308 allows funds from grants for capital projects under section 9 of the Urban Mass Transportation Act of 1964, as amended, to be used for leasing facilities and equipment if a lease arrangement is more cost-effective than purchase or construction. Section 308 also directs the Administrator of UMTA, by delegation from the Secretary of Transportation, to issue regulations governing these leases.

DATE: Comments should be received by July 19, 1988.

ADDRESS: Comments should be addressed to: Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, Docket No. 88-C, 400 Seventh Street SW., Room 9316, Wahington, DC 20590. Comments will be available for review by the public at this address from 9:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Candace Noonan, Transportation Program Specialist, Office of Grants Management, (202) 366-2440 or Linda C. Hart, Office of Chief Counsel, (202) 366-4063.

SUPPLEMENTARY INFORMATION:

I. Discussion

A. Background

Under section 9 of the Urban Mass Transportation Act of 1964, as amended (the UMT Act), Federal funds are made available to urbanized areas on the basis of a statutory formula. These Federal funds are available for either 80% of the cost of acquisition or construction of facilities and equipment in transportation service, or 50% of the net cost of operating, by lease or otherwise, facilites and equipment in transportation service. A grant for 80% funding is known as a capital assistance grant, while one for 50% funding is known as an operating assistance grant. Since the inception of the transit program, leases have rarely been used for long term capital acquisition because imputed interest in lease costs has not been an eligible capital expense, although it has always been eligible for operating assistance.

Section 308 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, however, amended section 9 of the UMT Act and expressly extended the availability of Federal funds at the 80% capital rate to leases of facilities and equipment where leasing is more cost-effective than purchase or construction. Leases that cannot be shown to be more cost-effective than purchase or construction or are otherwise not eligible for the capital program will continue to be eligible for operating assistance.

In this proposed regulation, UMTA intends to allow grantees the greatest possible flexibility in entering into eligible leasing arrangements to broaden the competitive opportunities for providing transit services. UMTA also seeks to minimize any administrative burdens associated with this proposed regulation. UMTA believes that this approach to drafting the proposed regulation offers the greatest potential benefit to the transit industry and to the taxpayer.

B. The Proposed Regulation

In this proposed regulation, the term "capital lease" includes any lease arrangement used to obtain a capital asset. A capital lease which may be eligible for capital assistance can range from a lease of an asset only, to arrangements which include providing services such as maintenance and operation even though certain costs of the lease may not be eligible for capital assistance.

While this proposed regulation would allow a grantee to obtain capital assets in the most cost-effective manner possible, it is not meant to permit the unwarranted capitalization of operating expenses. The procedures in the proposed regulation are designed to ensure balanced consideration of the options available for obtaining the asset.

In order to fairly evaluate the cost-effectiveness of a proposed lease, a grantee must first determine what it needs. These needs should be expressed in specific terms, including performance and technical criteria as would be set forth in a bid specification, so that a fair evaluation of purchasing or constructing the asset versus leasing may be made. The regulation refers to this expression of need as "the proposal to obtain the asset."

UMTA takes the position that the cost-effectiveness at issue is the cost-effectiveness to the grantee, and that a grantee may self certify to UMTA its cost-effectiveness finding. This self-certification approach is consistent with the section 9 program, which is, by statute, largely one of self-certification.

Subpart C of proposed regulation describes the process a grantee must follow in identifying the cost of each option to be evaluated and in determining the cost-effectiveness of the options considered. The proposed regulation does not specify in detail how to conduct the cost-effectiveness evaluation. Rather, it provides a general framework and some basic considerations that must be addressed. Local transit management and transit boards will then make a determination whether a lease arrangement is more cost-effective than buying or constructing the asset.

By taking this more general approach, UMTA intends to maximize the types of capital leases that can meet the cost-effectiveness requirement; UMTA has not limited the calculation to the traditional "make or buy" approach. Rather, cost-effectiveness calculations may include costs and benefits beyond the narrow financial ones. UMTA is willing to permit valuation of costs and benefits from improved reliability, greater passenger comfort, or other factors which are recognizably difficult to quantify.

It is UMTA's intention that this proposed regulation be conducive to a wide range of potential lease arrangements, including uniform and nonuniform payments, lease purchase options, or any other arrangement which meets the basic requirements of the proposed regulation.

C. Section-By-Section Analysis

Subpart A includes general information about this part. Sections 639.1 and 639.3 set out the purpose and scope of the regulation. Section 639.5 defines the terms used in the regulation, including "capital asset," "capital assistance," and "capital lease." A capital asset is a facility or piece of equipment which has a useful life in mass transportation service of at least one year and which is eligible for capital assistance. This definition does not modify UMTA's existing treatment of the useful life of capital items. Capital assistance is Federal financial assistance under section 9 of the UMT Act at the Federal share for capital projects, 80 percent. A capital lease is a

lease to obtain the use of capital asset. A capital lease may or may not be eligible for capital assistance in whole or in part.

Subpart B includes general information about a capital lease, including eligibilitly, grant options available for funding the lease, and the distinction between capital and operating costs within a lease.

Specifically, § 639.11 sets out the general eligibility requirements. Paragraph (1) requires that the capital asset be otherwise eligible for captial assistance under section 9 of the UMT Act. That is, only an asset that, if purchased or constructed by a grantee would be eligible for capital assistance under section 9, would be eligible for capital lease purposes. The new leasing provision does not expand the scope of activities eligible for funding under section 9. Rather, it provides that certain projects that are eligible to be funded at an 80 percent rate may now be accomplished by lease in place of purchase or construction. Paragraph (2) prohibits capital funds from being used for a lease in which there is already an existing Federal interest, to preclude a grantee from "doubledipping" from Federal funds. However, if the Federal interest in the asset is eliminated by appropriate means, the UMTA grant can be made.

Paragraph (3) reflects the requirement in the law that a capital lease must be more cost-effective than purchase or construction of the capital asset. It is important to emphasize this point. A capital lease must be compared to the purchase of the same asset, not some other alternative. For example, a grantee cannot compare the cost of leasing new buses against the cost of extending the life of its existing fleet.

Section 639.13 describes the grant options available for capital assistance for a capital lease. Paragraph (a)(1) explains that a grantee may choose to receive annual lease payments through a series of annual grants from UMTA. A grantee choosing this option must self-certify to UMTA that it has the ability to meet future obligations under the lease in the absence of future Federal funding. Under this approach, a grantee would reapply to UMTA each year for funding. UMTA will give automatic preaward authority for subsequent lease payments so that if Federal appropriations are delayed beyond the time a subsequent lease payment is due, that subsequent payment would be eligible for reimbursement as soon as Federal funds became available. UMTA believes this annual grant method of funding may be useful since it provides a grantee flexibility to decide each year whether to fund the lease payments from local or Federal sources, or even, in accordance with the terms of the lease, to terminate the lease.

Paragraph (a)(2) explains that a grantee may choose to receive a single grant for the Federal share of the lease for a particular period of a lease to be paid out over more than one year. In this case, although all of the funds for the payments on a particular portion of the lease would be obligated by UMTA at one time, the grantee would draw down these funds as lease payments actually were made over the period requested in the grant.

Finally, UMTA recognizes that there may be interest in developing a multi-year agreement for capital leases along the lines of UMTA's full funding contract method. Under this approach UMTA would approve a grant for the length of the lease but would space Federal funds payments out over the course of the lease. This multi-year approach would, of course, be subject to the availability of funds from Congress in future years since UMTA is by law unable to obligate funds beyond a current fiscal year.

UMTA seeks comment on each of these three approaches and in particular on refinements that could be recommended. It may be in the best interest of all parties for UMTA to permit each of these approaches and to let a grantee decide which suits its interests best.

Section 639.15 describes which costs associated with a lease are eligible for capital assistance and which are not. Paragraph (a) states that all costs directly attributable to making the capital asset available are eligible. These would include finance charges, including interest, and ancillary costs such as delivery and installation charges. Paragraph (b) provides that costs for materials, supplies, or services which are generally provided by the grantee are not eligible for capital assistance. Costs in a capital lease which are not eligible for capital assistance may be eligible for operating assistance. For example, maintenance costs included in the lease would not generally be eligible as capital costs, but they would be eligible for operating assistance, and any savings or additional costs resulting from the inclusion of maintenance costs would be considered in calculating cost-effectiveness.

Another issue that needs to be addressed involves a significant difference in the timing of funding for capital or operating assistance projects. An operating assistance project may involve the reimbursement of expenses already incurred, and the approval of a Federal grant implicitly permits the payment of those expenses incurred before the grant was approved. Under a capital grant, however, generally only those costs incurred after the date of the approval of the Federal grant are eligible for Federal funding. Thus if a grantee determines a capital lease is more cost-effective than a purchase, it cannot incur costs under that lease until after the Federal grant is approved if the grantee wants those payments to be eligible for Federal funding. UMTA seeks comment on whether this approach should continue, or whether the regulation should allow some sort of preaward authority to make costs incurred under a lease which the grantee has determined to be cost-effective eligible costs of a grant approved at a later date.

Section 639.17 provides that the parties to a lease are subject to the same Federal statutory and administrative requirements they would be subject to if the asset were being purchased or constructed by the grantee. A grantee receiving capital assistance for a capital lease is subject to the same requirements as are other recipients of section 9 capital formula grants, including: UMTA Circular 9030.1A, "Section 9 Formula Grant Application Instructions," UMTA Circular 5010.1A, "UMTA Project Management Guidelines for Grantees," UMTA Circular 4220.1A, "Third Party Contracting Guidelines," 49 CFR Part 23—Participation by Minority Business Enterprise in Department of Transportation Programs, and generally accepted accounting principles. This also means that activities of a lessor to prepare existing facilities or equipment for a lease or in anticipation of a lease must be performed in accordance with the same statutory and administrative requirements a seller would be subject to if the asset were being purchased.

Subpart C describes the cost-effectiveness evaluation. The cost-effectiveness evaluation in Subpart C compares the total cost of a purchase or construction option to the total cost of a lease option. However, before costs can be compared, they must be expressed in similar terms. Because a dollar amount today is not necessarily worth the same dollar amount ten years from now, all costs not payable in the year in which a grant is applied for must be calculated in terms of their "present value." The formula for calculating present value is a basic one familiar to accountants, engineers and economists. Moreover, tables that provide present value factors which can be applied to scheduled payments are generally available in

business texts, libraries or a grantee's engineering department. Many pocket calculators even have a present value function.

Similarly, before the cost of two sets of goods can be compared it is necessary to make sure that similar items are placed in each set. Thus, §§ 639.23 and 639.25 explain what to include when calculating the purchase cost and the lease cost. For purposes of comparison only, these costs will include not only the cost of purchasing or constructing or leasing the asset itself but also ancillary costs such as delivery and installation plus the cost to provide any other service or benefit the grantee included in its proposal to obtain the asset. Additional services or benefits beyond the grantee's needs as expressed in its proposal to obtain the asset may be included in a capital lease, but should not be included in the cost comparison. It is important to note that all costs which must be included in the comparison may not be eligible for capital assistance.

Additionally, all other factors should be as nearly equivalent as possible. This includes the term of use of the capital asset in transportation service and performance assumptions. A capital asset does not have to be in transportation service for its entire expected useful life; however, the cost calculations must reflect the return of the value of the asset for any period of that expected useful life it is not planned for use in transportation service. Performance assumptions should be included where possible by calculating the cost of down time or additional maintenance.

Section 639.21 states the basic requirement that a grantee must perform a written cost-effectiveness evaluation under subpart C and certify to UTMA that the capital lease is more cost-effective than purchase or construction. UMTA intends to allow grantees to self-certify as to cost-effectiveness for two reasons. First, it is consistent with the way in which UMTA administers the rest of the section 9 program, and with the statutory self-certifications of that program. Second, it minimizes the burden on the grantee and the delay associated with submitting the cost-effectiveness analysis to UMTA for concurrence. Moreover, these self-certifications will be subject to review by UMTA, as are all other self-certifications, during the triennial review process required under section 9. Paragraph (c) allows a grantee with a potential capital lease which does not lend itself to the cost-effectiveness evaluation in subpart C to apply to UMTA on a case-by-case basis for approval of an alternative form of cost-effectiveness evaluation. This alternative might be used, for example, when the speed of technological developments makes purchase impracticable even though it might otherwise on its face appear to be more cost-effective to purchase.

Sections 639.23 and 639.25 explain how to calculate purchase cost and lease cost. All costs associated with obtaining the asset should be included in the comparison. UMTA realizes that many costs and benefits must be estimated in order to conduct the cost-effectiveness evaluation. UMTA is willing to accept reasonable estimates as long as they are justified in writing in the cost-effectiveness evaluation. For example, a grantee may survey several other operators to get their experience data on the performance of a particular item.

Subpart D contains project management requirements specific to capital lease projects. These requirements are in addition to the general project management requirements detailed in UMTA Circular 5010.1A, "UMTA Project Management Guidelines for Grantees." Section 639.31 sets out grantee obligations to repay Federal funds to UMTA if a capital lease is terminated before the end of the period used in the cost-effectiveness evaluation. However, this provision does not apply if the grantee terminates the lease with UMTA approval and substitutes another lessor.

D. Request for Comments

UMTA seeks comments from all interested parties on this proposed rule. UMTA's final rule will reflect the agency's consideration of all comments received within 60 days of date of publication in **Federal Register.**

UMTA recognizes that there may be opportunities for capital leases which today's proposed rule does not facilitate. UMTA specifically requests comments on potential leases which would not be eligible under this proposed rule. UMTA also specifically requests comments on cost-effectiveness factors and their evaluation.

Commentors wishing acknowledgement of their comments should include a self-addressed, stamped postcard with their comments. The Docket Clerk will stamp the card with date and time the comments are received and return the card to the commentor.

II. Regulatory Impacts

A. Executive Order 12291

This action has been reviewed under Executive Order 12291, and it has been determined that it is not a major rule. It will not result in an annual effect on the economy of $100 million dollars or more.

B. Departmental Significance

This proposed regulation is not significant under the Department's Regulatory policies and Procedures. UMTA finds that the economic impact of this proposed regulation is so minimal that a full regulatory evaluation is not necessary. This proposed regulation would not affect the amount of money a grantee receives under the section 9 formula program; it simply gives the grantee an additional option regarding its expenditure.

C. Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, UMTA certifies that this proposed rule will not have a significant impact on a substantial number of small entities within the meaning of the Act.

D. Paperwork Reduction Act

The collection of information requirements in this proposed rule is subject to the Paperwork Reduction Act, Pub. L. 96–511, 44 U.S.C. Chapter 35. Section 308 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100–17, specifically requires a determination of cost-effectiveness before UMTA may approve a grant for a lease of a capital asset for capital assistance. The required cost-effectiveness evaluation in this proposed rule has been submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget as part of UMTA's request for extension of the approved collection for the section 3 and section 9 urbanized area capital assistance program, OMB Control #2132–0502.

E. Executive Order 12612

This proposed rule has been reviewed under Executive Order 12612 on "Federalism," and it has been determined that it does not have implications for principles of Federalism that warrant the preparation of a Federalism Assessment. This proposed rule will not limit policy making and administrative discretion of the States, nor will it impose additional costs or burdens on the States. This rule will not affect the States' abilities to discharge traditional State governmental functions

or otherwise affect any aspects of State sovereignty.

This proposed rule offers grantees greater latitude in the use of Federal funds and provides them with increased discretion in the administration of their programs. By allowing self-certification of compliance, UMTA proposes to impose an absolute minimum of regulatory burden on grantees. This approach is consistent with the principles of Federalism which encourage a greater role for State and local governments and a reduced regulatory role for the Federal government.

List of Subjects in 49 CFR Part 639

Government contracts, Grant programs—Transportation, Mass transportation.

III. New 49 CFR Part 639

Accordingly, for the reasons described in the preamble, 49 CFR Chapter VI would be amended by adding new Part 639 to read as follows:

PART 639—CAPITAL LEASES

Subpart A—General

Sec.
639.1 Purpose of this Part.
639.3 Scope of this Part.
639.5 Definitions.

Subpart B—Capital Leases

639.11 Eligibility requirements.
639.13 Form of grant.
639.15 Lease costs eligible for capital assistance.
639.17 Applicability of other Federal requirements.

Subpart C—Cost-effectiveness

639.21 Determination of cost-effectiveness.
639.23 Purchase cost.
639.25 Lease cost.

Subpart D—Lease Management

639.31 Early termination of lease.

Authority: 49 U.S.C. 1601 *et seq.*, 1607b(j); 1 CFR 1.51.

Subpart A—General

§ 639.1 Purpose of this Part.

This part implements section 308 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100–17). Section 308 amends section 9(j) of the UMT Act to allow recipients of Federal financial assistance for capital projects under section 9 of the UMT Act to obtain equipment and facilities by lease where the lease arrangement is more cost-effective than purchase or construction. This part prescribes the policies and procedures which govern the eligibility treatment of leases of equipment and facilities for capital assistance under section 9 of the UMT Act, including procedures for determining cost-effectiveness.

§ 639.3 Scope of this Part.

This part applies to all requests for capital assistance under section 9 of the UMT Act where the proposed method of obtaining a capital asset is by lease rather than purchase or construction.

§ 639.5 Definitions.

In this part:

(1) "Capital asset" means facilities and equipment for use in mass transportation service with a useful life of at least one year which are eligible for capital assistance.

(2) "Capital assistance" means Federal financial assistance for capital projects under section 9 of the UMT Act.

(3) "Capital lease" means a lease to obtain the use of a capital asset.

(4) "Equipment" means nonexpendable personal property.

(5) "Facilities" means real property, including land, improvements and fixtures.

(6) "Present value" means the value at the time of calculation of a future payment, or series of future payments discounted by the time value of money as represented by an interest rate or similar cost of funds.

(7) "Recipient" means an entity that receives Federal financial assistance from UMTA, including an entity that receives Federal financial assistance from UMTA through a State or other public body.

(8) "UMT Act" means the Urban Mass Transportation Act of 1964, as amended.

(9) "UMTA" means the Urban Mass Transportation Administration.

Subpart B—Capital Leases

§ 639.11 Eligibility requirements.

An applicant may apply to UMTA for capital assistance for a capital lease only if—

(a) The capital asset is otherwise eligible for capital assistance;

(b) There would be no existing Federal grant interest in the capital asset as of the date the lease would take effect; and

(c) Lease of the capital asset is more cost-effective, as determined under subpart C of this part, than purchase or construction of the asset.

§ 639.13 Form of grant.

(a) A recipient may choose to receive capital assistance for a capital lease approved under this part—

(1) In a grant which obligates an amount equal to UMTA's share of the total eligible costs for a particular year of a lease; or

(2) In a grant which obligates an amount equal to UMTA's share of the total eligible lease costs for a period of the lease to be paid out over more than one year.

(b) A recipient choosing to receive a grant under paragraph (a)(1) of this section—

(1) Must certify to UMTA that it has the financial capacity to meet its future obligations under the lease in the event Federal funds are not available for capital assistance in subsequent years; and

(2) May apply to UMTA for subsequent grants, subject to the availability of appropriations.

§ 639.15 Lease costs eligible for capital assistance.

(a) All costs directly attributable to making the capital asset available to the lessee are eligible for capital assistance, including, but not limited to—

(1) Finance charges, including interest; and

(2) Ancillary costs such as delivery and installation charges.

(b) The cost of materials, supplies and services provided under a lease which would not be eligible for capital assistance if they were provided directly by the applicant are not eligible for capital assistance where they are included in a capital lease.

§ 639.17 Applicability of other Federal requirements.

(a) A recipient of capital assistance for a capital lease is subject to the same statutory and administrative requirements as the recipient would be if the capital asset were being purchased or constructed directly.

(b) A lessor in a capital lease is subject to the same statutory and administrative requirements as a seller would be if the capital asset were being purchased or constructed directly when the lessor—

(1) Purchases or constructs a capital asset in contemplation of a lease; or

(2) Prepares an existing capital asset in contemplation of a lease.

Subpart C—Cost-Effectiveness

§ 639.21 Determination of cost-effectiveness.

(a) An applicant for capital assistance for a capital lease must—

(1) Perform a written cost-effectiveness evaluation under this part before entering into the lease; and

(2) Certify to UMTA that obtaining the asset by lease is more cost-effective than purchase or construction.

(b) For purposes of this part, obtaining the asset by lease is more cost-effective than purchase or construction when the lease cost calculated under § 639.25 of this part is less than the purchase cost calculated under § 639.23 of this part.

(c) If an applicant is unable to perform the cost-effectiveness evaluation as prescribed under this part as required by paragraph (a) of this section, an applicant may submit a request to UMTA for approval of an alternate form of cost-effectiveness evaluation.

§ 639.23 Purchase cost.

(a) For purposes of this subpart, the purchase cost of a capital asset is—

(1) The estimated cost to purchase or construct the asset; plus

(2) Ancillary costs such as delivery and installation; plus

(3) The net present value of the estimated future cost to provide any other service or benefit requested by the applicant in its proposal to obtain the capital asset.

(b) The estimated cost to purchase or construct must be—

(1) Reasonable; and

(2) Based on the expected useful life of the asset in mass transportation service.

(c) For purposes of this part, the expected useful life of a revenue vehicle is the useful life which is established by UMTA for recipients of Federal financial assistance under UMTA's Circulars for Section 9 recipients. The applicant is responsible for establishing a reasonable expected useful life for other capital assets.

(d) If the applicant does not intend to use the capital asset it is proposing to obtain in mass transportation service for its entire expected useful life, the applicant must subtract the net present value of that portion of the asset's useful life it does not intend to use in mass transportation service when calculating the purchase cost.

§ 639.25 Lease cost.

For purposes of this subpart, the lease cost of a capital asset is—

(a) The cost to provide the asset for the same use specified in the applicant's proposal to obtain the asset; plus

(b) Ancillary costs such as delivery and installation; plus

(c) The net present value of the estimated future cost to provide any other service or benefit requested by the applicant in its proposal to obtain the capital asset.

Subpart D—Lease Management

§ 639.31 Early lease termination.

(a) Except as provided in paragraph (c) of this section, if a capital lease under this part is terminated before the end of the period used in the cost-effectiveness evaluation, the recipient must refund to UMTA—

(1) Any Federal funds granted for the portion of the lease term eliminated by early termination; and

(2) The Federal share of the excess, if any, of the present value of lease costs, excluding penalties, which exceed the purchase costs as calculated under Subpart C of this part for the period of the lease up to the point of termination.

(b) Penalties resulting from early termination of a capital lease under this part are not eligible for Federal financial assistance.

(c) Paragraph (a) of this section does not apply if a lessor is not performing as required under capital lease and a recipient receives UMTA approval to terminate the lease and substitute another lessor.

Issued on May 13, 1988.

Alfred A. DelliBovi,

Administrator.

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federal register

Friday
May 20, 1988

Part V

Department of Education

34 CFR Part 656

National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 656

National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the National Resource Centers Program. The amendments are needed to implement changes made in Title VI of Higher Education Act of 1965 (HEA), as amended by the Higher Education Amendments of 1986, Pub. L. 99–498. The major statutory change requires separate criteria for evaluating applications for comprehensive and undergraduate Centers. The regulations implement that statutory change.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Joseph F. Belmonte, Acting Deputy Director, Center for International Education, U.S. Department of Education, Room 3053, ROB–3, 400 Maryland Avenue SW., Washington, DC 20202–3308. Telephone: 732–3283.

SUPPLEMENTARY INFORMATION: The National Resource Centers Program is authorized by section 602(a) of the HEA and is designed to provide grants to institutions of higher education and combinations of those institutions to establish, operate, and strengthen National Resource Centers for the teaching of modern foreign languages plus area studies, international studies, and the international and foreign language aspects of professional studies. Before section 602(a) was amended by the Higher Education Amendments of 1986, it referred to graduate and undergraduate centers. After the amendments, it specifically defined each type of Center and required separate evaluative criteria for comprehensive and undergraduate Center applications. Before the amendments, the same criteria were used to evaluate both types of Centers.

On October 2, the Secretary published a Notice of Proposed Rulemaking for the National Resource Centers Program in the **Federal Register** (52 FR 37064). The major regulatory change in the proposed regulations was the separate listing of funding criteria for comprehensive and undergraduate centers. Except for minor technical and editorial changes, there are no differences between the NPRM and these final regulations.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, ten parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since the publication of the NPRM follows.

Substantive issues are discussed under the section of the regulations to which they pertain. Technical and other minor changes—and suggested changes which the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Section 656.1 What is the National Resource Centers Program?

Comment: One commenter urged substituting the term "broad understanding" for the "full understanding" phrase used in § 656.1(b), as well as in some subsequent sections, to provide a more attainable objective.

Discussion: The language of the statute is "full understanding" and is therefore preferable.

Changes: None.

Comment: One commenter requested the addition to § 656.1(c) of the phrase "or research and training which contribute to the preparation of students who matriculate into advanced language or area studies or professional school programs" so that the description would conform to the definition for an undergraduate center provided in the statute.

Discussion: The suggested phrase is appropriate as part of the definition of an undergraduate center and therefore was included in § 656.7(f), the section providing definitions.

Changes: None.

Section 656.3 What activities define a comprehensive or undergraduate National Resource Center?

Comment: One commenter pointed out that the statute specifies training in "any modern foreign language", while the NPRM, in § 656.3(a), says that a Center "Teaches modern foreign languages." The commenter recommends clarification, ensuring eligibility for programs offering only one modern foreign language.

Discussion: Although clarification on this point is provided in other sections, the Secretary agrees that an additional revision would be helpful.

Changes: Section 656.3(a) is revised to read "Teaches at least one modern foreign language."

Comment: One commenter questioned an apparent omission of the statutory phrase "* * * for research and training in international studies * * *" from § 656.3(b).

Discussion: Section 656.3(b)(2) indicates that one type of center provides "Resources for training and research in international * * * aspects of * * * fields of study * * *"

Changes: None.

Comment: One commenter suggested clarification of § 656.3(b)(2) by the addition of "preparation for" after "aspects of", in order to put more emphasis on the preparatory training of undergraduates.

Discussion: The addition of this phase would be redundant, because the section describes categories of fields of study, and the preparation for the field is considered for this program to be synonymous with study in the field.

Changes: None.

Comment: One commenter requested a rewording of § 656.3(c) to state that Centers make outreach services available to national, regional, and local entities.

Discussion: The Secretary feels that the proposed wording describes the outreach function adequately in reference to national, regional and local levels.

Changes: None.

Comment: One commenter suggested the addition of "Employs an appropriate proportion of faculty with * * *" to § 656.3(e)(2).

Discussion: The language of the statute, describing the attributes of a center, regardless of the characteristics of the entire university of which it is a part, is sufficiently clear.

Changes: None.

Section 656.7 What definitions apply?

Comment: One commenter requested a revision of § 656.7(b) (definition of "area studies") to indicate that coverage of all the fields of study listed is not required.

Discussion: This definition of area studies does not prescribe a full range of possible fields of study.

Changes: None.

Comment: One commenter, in connection with § 656.7(d)(1) (definition of "Comprehensive Center"), requested a clarification of the term "national interest," noting the importance of his university's medieval manuscript collection.

Discussion: Because a definition of "national interest" would be very broad,

including many facets of national life, it would be inappropriate in these regulations. Applicants must demonstrate the aspects of the national interest which their applications would serve.

Changes: None.

Comment: One commenter urged deletion of the definition of "intensive language instruction," § 656.7(e), or, if deletion is not acceptable, then revision that would include a minimum standard for the summer and would allow for variation by type of language, purpose of study, academic level, and duration of each course. The commenter argued that current practice in the language teaching field is, for intensive language instruction, a minimum of 7–10 contact hours per week for an academic year program, and that specification of a lower minimum in these regulations will encourage institutions to lower their standards.

Discussion: The Secretary agrees that the definition of "intensive language instruction" should be broadened to apply to the summer term. However, because the statute specifies intensive language instruction as a requisite of any comprehensive program, a definition must be included in these regulations. The standard cannot be raised, for purposes of this section, without rendering ineligible important categories of potential applicants whose programs may include only languages for which enrollments—which the statute is intended to encourage—are already very low, which in turn means that it is impossible for institutions to offer the variety of instructional modes that the commenter anticipates.

Changes: The definition has been changed, with the addition of a standard for summer programs.

*Sections 656.21 and 656.22 What selection criteria does the Secretary use to evaluate an application for a * * * Center?*

Comment: Three commenters requested more precision in the evaluation criteria, one with respect to library strength and all with respect to definitions of quality for several criteria. One, however, did note that the kind of detail requested is not essentially regulatory.

Discussion: The Secretary agrees that more detailed definitions of quality are not appropriate for these regulations.

Changes: None.

Comment: Two commenters asked whether the apparent reduction in the proportion of points to be awarded by reviewers for current and proposed outreach activities indicates that Centers may cut back on their efforts in this sphere. Both favored continued strong emphasis on outreach by Centers. One commenter acknowledged that strength in outreach does contribute also to evaluation under criteria for institutional commitment, library resources, and the plan of operation.

Discussion: The reduced proportion of points now allocated for outreach activities is not an indicator of the Secretary's interest in this activity. Because the competition for Center funding has been keen, the standards for outreach have been high, irrespective of the number of points for the criterion.

Changes: None.

Comment: One commenter found that the total number of points for evaluation is too low to allow for sufficient discrimination between applicants.

Discussion: Careful reading by evaluators, combined with realistic application of the point scale, will enable sufficient distinctions between applicants.

Changes: None.

Comment: Three commenters questioned the allocation of 20 out of 120 points, compared with 10 out of 170 under the previous regulations, for priority activities, arguing that such emphasis on priority activities, which can change from one application period to another, may work against the long-term, comprehensive commitment and the institutional flexibility which have enabled grantees to use funds most advantageously. One of the commenters added that, because the actual choice of priorities from among the options listed in § 656.23 is announced in the application notice, applicants do not have an opportunity to comment on whether the Secretary's choices correspond to the most serious long-term needs perceived by the community of applicants.

Discussion: The Secretary specifies priorities as a means for encouraging applicants to develop their programs in those directions. The overall emphasis of the program is clearly on core development and the serving of ongoing, long-term needs, represented by more than 80 percent of the possible points. The number of points for priorities is within the realm of innovative redirection. The existence of a significant number of points for priorities may be expected to serve as a leavening agent, recognizing both innovative efforts and statutory intent.

Changes: None.

Comment: One commenter requested elimination of § 656.22(h)(2), arguing that cooperative arrangements with departments, schools, and professional programs are inappropriate for an undergraduate center.

Discussion: Without cooperation with various departments, whether in connection with undergraduate or comprehensive programs, a Center cannot operate effectively in the university context. Some institutions, both four-year colleges and universities, have professional programs or schools which operate at the undergraduate level.

Changes: None.

Comment: One commenter requested the deletion of "at the national level" from § 656.22(j)(3) because it seems unnecessary for undergraduate centers to be making an impact at the national level while at the same time providing a national example of excellence.

Discussion: Precisely because undergraduate centers are expected to be providing a national example of excellence it is reasonable to expect some impact at the national level.

Changes: None.

Comment: One commenter objected to the inclusion of the phrase "primarily for national groups" in § 656.22(k)(1), dealing with outreach activities expected for undergraduate Centers.

Discussion: The Secretary agrees, noting that the wording was in fact different even for the corresponding criterion for comprehensive Centers.

Changes: Section 656.22(k)(1) now conforms to the language of § 656.21(k)(1).

Section 656.30 What are allowable costs and what are the limitations on allowable costs?

Comment: One commenter recommended specific authorization in the regulations for the use of grant funds for travel for graduate students, while another notes that the statute states that grant funds may be used for "* * * the cost of training and improvement of staff * * *."

Discussion: Section 656.30(a) provides a list of examples of types of costs for which grant funds may be used, preceded by the phrase "including, but not limited to." Faculty improvement costs could be a part of almost every category of cost which is enumerated. Neither faculty improvement nor graduate student travel is explicitly excluded in § 656.30(b).

Changes: None.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Assessment of Education Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 656

Colleges and universities, Education, Educational study programs, Fellowship, Foreign languages, Grant programs—education, Resource center, Reporting and recordkeeping requirements.

Dated: May 6, 1988.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.015, National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies)

The Secretary revises Part 656 of Title 34 of the Code of Federal Regulations to read as follows:

PART 656—NATIONAL RESOURCE CENTERS PROGRAM FOR FOREIGN LANGUAGE AND AREA STUDIES OR FOREIGN LANGUAGE AND INTERNATIONAL STUDIES

Subpart A—General

Sec.

Subpart B—How Does One Apply for a Grant?

Subpart C—How Does the Secretary Make a Grant?

Subpart D—What Conditions Must Be Met by a Grantee?

Authority: 20 U.S.C. 1122, unless otherwise noted.

Subpart A—General

§ 656.1 What is the National Resource Centers Program?

Under the National Resource Centers Program For Foreign Language and Areas Studies or Foreign Language and International Studies (National Resource Centers Program), the Secretary awards grants to institutions of higher education and combinations of institutions to establish, strengthen, and operate comprehensive and undergraduate Centers that will be national resources for—

(a) Stimulating the attainment of foreign language acquisition and fluency;

(b) Instruction in fields needed to provide a full understanding of the areas, regions, or countries in which the foreign language is commonly used;

(c) Research and training in international studies and the international and foreign language aspects of professional and other fields of study; and

(d) Instruction and research on issues in world affairs which concern one or more countries.

(Authority: 20 U.S.C. 1122)

§ 656.2 Who is eligible to receive a grant?

An institution of higher education or a combination of institutions of higher education is eligible to receive a grant under this part.

(Authority: 20 U.S.C. 1122)

§ 656.3 What activities define a comprehensive or undergraduate National Resource Center?

A comprehensive or undergraduate National Resource Center—

(a) Teaches at least one modern foreign language;

(b) Provides—

(1) Instruction in fields necessary to provide a full understanding of the areas, regions, or countries in which the languages taught are commonly used;

(2) Resources for training and research in international and foreign language aspects of professional and other fields of study; or

(3) Opportunities for training and research on issues in world affairs that concern one or more countries;

(c) Provides outreach and consultative services on a national, regional, and local basis;

(d) In the case of a comprehensive Center—

(1) Maintains specialized library collections; and

(2) Employs scholars engaged in research which relates to the subject area of the center; and

(e) In the case of an undergraduate Center—

(1) Maintains library holdings, including basic reference works, journals, and works in translation; and

(2) Employs faculty with strong credentials in language area, and international studies.

(Authority: 20 U.S.C.1122)

§ 656.4 What types of Centers receive grants?

The Secretary awards grants to Centers that—

(a) Focus on—

(1) A single country or on a world area (such as East Asia, Africa, or the Middle East) and offer instruction in the principal language or languages of that country or area and those disciplinary fields necessary to provide a full understanding of the country or area; or

(2) International studies or the international aspects of contemporary issues or topics (such as international business or energy) while providing instruction in modern foreign languages; and

(b) Provide training at the—

(1) Graduate, professional, and undergraduate levels, as a comprehensive center; or

(2) Undergraduate level only, as an undergraduate center.

(Authority: 20 U.S.C. 1122)

§ 656.5 What activities may be carried out?

A Center may carry out any of the activities described in §656.3 under a grant received under this part.

(Authority: 20 U.S.C. 1122)

§ 656.6 What regulations apply?

The following regulations apply to this part:

(a) CFR Part 656.

(b) The regulations in this Part 656.

(c) The Education Department General Administrative Regulations [EDGAR] in 34 CFR Part 74 (Administration of Grants), 34 CFR Part 75 (Direct Grant Programs), 34 CFR Part 77 (Definitions that apply to Department Regulations), and 34 CFR Part 78 (Education Appeal Board).

(Authority: 20 U.S.C. 1122)

§ 656.7 What definitions apply?

The following definitions apply to this part:

(a) The definitions in 34 CFR Part 655.

(b) "Area studies" means a program of comprehensive study of the aspects of a world area's society or societies, including study of history, culture, economy, politics, international relations, and languages.

(c) "Center" means an administrative unit of an institution of higher education that has direct access to highly qualified faculty and library resources, and coordinates a concentrated effort of educational resources, including language training and various academic disciplines, in the area and subject matters described in § 656.3.

(d) "Comprehensive Center" means a Center that—

(1) Contributes significantly to the national interest in advanced research and scholarship;

(2) Offers intensive language instruction;

(3) Maintains important library collections related to the area of its specialization; and

(4) Makes training available to a graduate, professional, and undergraduate clientele.

(e) For purposes of this section, "intensive language instruction" means instruction of at least 5 contact hours per week during the academic year or the equivalent of a full academic year of language instruction during the summer.

(f) "Undergraduate Center" means an administrative unit of an institution of higher education that—

(1) Contributes significantly to the national interest through the education of students who matriculate into advanced language and area studies programs or professional school programs;

(2) Incorporates substantial international and foreign language content into baccalaureate degree program;

(3) Makes training available predominantly to undergraduate students; and

(4) Engages in research, curriculum development, and community outreach.

(Authority: 20 U.S.C. 1122)

Subpart B—How Does One Apply for a Grant?

§ 656.10 What combined application may an institution submit?

An institution that wishes to apply for a grant under this part and for an allocation of fellowships under 34 CFR Part 657 may submit one application for both.

(Authority: 20 U.S.C. 1122)

Subpart C—How Does the Secretary Make a Grant?

§ 656.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a comprehensive Center under the criteria contained in § 656.21, and for an undergraduate Center under the criteria contained in § 656.22.

(b) In general, the Secretary awards up to 100 possible points for these criteria. However, if the criterion in § 656.21(1) or § 656.22(1) is used, the Secretary awards up to 120 possible points. The maximum possible points for each criterion are shown in parentheses.

(Authority: 20 U.S.C. 1122)

§ 656.21 What selection criteria does the Secretary use to evaluate an application for a comprehensive Center?

The Secretary uses the following criteria in evaluating an application for a comprehensive Center:

(a) *Plan of operation.* (10) (See 34 CFR 655.31(a)).

(b) *Quality of key personnel.* (15) (See 34 CFR 655.31(b)).

(c) *Budget and cost effectiveness.* (5) (See 34 CFR 655.31(c)).

(d) *Evaluation plan.* (5) (See 34 CFR 655.31(d)).

(e) *Commitment to the subject area on which the center focuses.* (5) The Secretary reviews each application to determine—

(1) The degree of institutional commitment to the subject area for which funding is sought as shown by the institution's previous record of accomplishment and support for that subject area; and

(2) The extent to which the institution will provide financial and other support to the Center, faculty members, and qualified students in fields related to the Center.

(f) *Strength of library.* (10) The Secretary reviews each application to determine—

(1) The strength of the institution's library in the subject area and the educational levels (graduate, professional, undergraduate) on which the Center focuses; and

(2) The extent to which the institution will provide financial support for the acquisition of library materials and for library staff in the subject area of the Center.

(g) *Quality of the Center's instructional program.* (20) The Secretary reviews each application to determine—

(1) The quality and extent of the Center's course offerings;

(2) The quality and extent of the Center's language training program including the adequacy of its instructional resources; and

(3) The extent to which the Center employs a sufficient number of scholars or teaching faculty to enable the Center to carry out its purposes.

(h) *Quality of the Center's relationships within the institution.* (10) The Secretary reviews each application to determine the extent to which the Center—

(1) Provides multi- and interdisciplinary instruction; and

(2) Has entered into cooperative arrangements with departments, schools, and professional programs of the institution.

(i) *Overseas activities.* (5) The Secretary reviews each application to determine—

(1) The adequacy of the provisions for relevant overseas experience for faculty and students in the Center's program; and

(2) The extent to which provision is made for cooperation with foreign educators, institutions, organizations, and governments.

(j) *Need and potential impact.* (10) The Secretary reviews each application to determine—

(1) The extent to which the proposed activities serve national needs;

(2) The extent to which an improved program in language and area studies or language and international studies will be available at the applicant institution at the termination of the grant period; and

(3) The potential impact of the proposed project in improving the knowledge of languages, areas, issues in world affairs which concern one or more countries, or international studies at the national level and in providing a national example of excellence and innovation in the subject area on which the Center focuses.

(k) *Outreach activities.* (5) The Secretary reviews each application to determine—

(1) The quality and extent of the services the Center will provide to persons and organizations outside the Center at national, regional, and local levels; and

(2) The contribution of these outreach services to activities such as curriculum development, professional training, and public understanding.

(l) *Degree to which priorities are served.* (20) If, under the provisions of § 656.23, the Secretary establishes specific priorities for Centers, the Secretary considers the degree to which those priorities are being served.

[Authority: 20 U.S.C. 1122]

§ 656.22 What selection criteria does the Secretary use to evaluate an application for an undergraduate Center?

The Secretary uses the following criteria in evaluating an application for an undergraduate Center:

(a) *Plan of operation.* (10) [See 34 CFR 655.31(a)].

(b) *Quality of key personnel.* (15) [See 34 CFR 655.31(b)].

(c) *Budget and cost effectiveness.* (5) [See 34 CFR 655.31(c)].

(d) *Evaluation plan.* (5) [See 34 CFR 655.31(d)].

(e) *Commitment to the subject area on which the Center focuses.* (10) The Secretary reviews each application to determine—

(1) The degree of institutional commitment to the subject area for which funding is sought as shown by the institution's previous record of accomplishment and support for that subject area;

(2) The extent to which the institution is committed to the center by providing financial and other support to the Center and to tenured faculty members of the Center; and

(3) The extent to which students matriculate into advanced language and area or international studies programs or related professional programs.

(f) *Strength of library.* (10) The Secretary reviews each application to determine—

(1) The strength of the institution's library in the subject area on which the Center focuses; and

(2) The extent to which the institution provides financial support for the acquisition of library materials and for library staff in that subject area.

(g) *Quality of the Center's instructional program.* (20) The Secretary reviews each application to determine—

(1) The quality and extent of the Center's course offerings;

(2) The quality of the Center's language training program, including the adequacy of instructional resources; and

(3) The extent to which the Center employs a sufficient number of scholars or teaching faculty to enable the center to carry out its purposes.

(h) *Quality of the center's relationships within the institution.* (5) The Secretary reviews each application to determine—

(1) The extent to which the Center provides multi- and interdisciplinary instruction;

(2) The extent to which the Center has entered into cooperative arrangements with departments, schools, and professional programs of the institution; and

(3) The extent to which substantial instruction in the subject area and languages on which the Center focuses have been incorporated into baccalaureate degree programs.

(i) *Overseas activities.* (5) The Secretary reviews each application to determine—

(1) The adequacy of the provisions for relevant overseas experience for faculty and students in the Center's program; and

(2) The extent to which provision is made for cooperation with foreign educators, institutions, and governments.

(j) *Need and potential impact.* (10) The Secretary reviews each application to determine—

(1) The extent to which the proposed activities serve national needs;

(2) The extent to which an improved program in language and area studies or language and international studies will be available at the applicant institution at the termination of the grant period; and

(3) The potential impact of the proposed project—those activities for which funding is requested—in improving the knowledge of languages, areas, or international studies at the national level and in providing a national example of excellence and innovation for undergraduate education in the subject area on which the Center focuses.

(k) *Outreach activities.* (5) The Secretary reviews each application to determine—

(1) The quality and extent of the services the Center provides to persons and organizations outside the Center at national, regional, and local levels; and

(2) The contribution of these outreach services to curriculum development, faculty development, pre-professional training, and public understanding.

(l) *Degree to which priorities are served.* (20) If, under the provisions of § 656.23, the Secretary establishes specific priorities for Centers, the Secretary considers the degree to which those priorities are being served.

(Authority: 20 U.S.C. 1122)

§ 656.23 What priorities may the Secretary establish?

(a) The Secretary may select one or more of the following funding priorities:

(1) Specific countries or world areas, such as, for example, East Asia, Africa, or the Middle East.

(2) Specific focus of a center, such as, for example, a single world area; international studies; a particular issue or topic, e.g., business, development issues, or energy; or any combination.

(3) Level or intensiveness of language instruction, such as intermediate or advanced language instruction, or instruction at an intensity of 10 contact hours per week.

(4) Types of activities to be carried out, for example, cooperative summer intensive language programs or teacher training activities.

(b) The Secretary announces any priorities in the application notice published in the **Federal Register.**

(Authority 20 U.S.C. 1122)

Subpart D—What Conditions Must Be Met By a Grantee?

§ 656.30 What are allowable costs and what are the limitations on allowable costs?

(a) *Allowable costs.* Except as provided under paragraph (b) of this section, a grant awarded under this part may be used to pay all or part of the cost of establishing, strengthening, or operating a comprehensive or undergraduate Center including, but not limited to, the cost of—

(1) Faculty and staff salaries and travel;

(2) Library acquisitions;

(3) Teaching and research materials;

(4) Curriculum planning and development; and

(5) Bringing visiting scholars and faculty to the Center to teach, conduct research, or participate in conferences or workshops.

(b) *Limitations on allowable costs. The following are limitations on allowable costs:*

(1) Equipment costs exceeding ten percent of the grant are not allowable.

(2) Funds for undergraduate travel are allowable only in conjunction with a formal program of supervised study in the subject area on which the center focuses.

(3) Grant funds may not be used to supplant funds normally used by applicants for purposes of this part.

(Authority: 20 U.S.C. 1122)

[FR Doc. 88-11412 Filed 5-19-88; 8:45 a.m.]

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Federal Register

Friday
May 20, 1988

Part VI

Department of Labor

Wage and Hour Division

29 CFR Parts 524, 525, and 529

Employment of Workers With Disabilities Under Special Certificates; Notice of Proposed Rulemaking

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Parts 524, 525, and 529

Employment of Workers With Disabilities Under Special Certificates

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides proposed regulations implementing the 1986 Amendments to section 14(c) of the Fair Labor Standards Act (FLSA). This section provides for the employment of certain workers at wage rates below the statutory minimum otherwise required by FLSA. The existing regulations are contained in 29 CFR Parts 524 (Special Minimum Wages for Handicapped Workers in Competitive Employment), 525 (Employment of Handicapped Clients in Sheltered Workshops), and 529 (Employment of Patient Workers in Hospitals and Institutions at Subminimum Wages). The proposed regulations (29 CFR Part 525) incorporate the changes mandated by the Amendments and eliminate the need for separate regulations. The proposed regulations also reflect changes in Departmental policies or procedures adopted since these regulations were last amended in 1966 and clarify certain areas in the existing regulations which have proven difficult to administer.

DATE: Comments are due on or before July 19, 1988.

ADDRESS: Submit comments to Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, DC 20210. Commenters who wish to receive notification of receipt of comments are asked to include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Nancy M. Flynn, Deputy Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523–8305. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

On October 16, 1986, Pub. L. 99–486 was signed and became effective. This law amended section 14(c) of FLSA which provides for the employment under certificate of workers with disabilities at special minimum wage rates. Such wage rates are below the minimum otherwise required by FLSA but commensurate (i.e., based on comparative productivity) with those paid experienced nondisabled workers performing essentially the same type of work in the same vicinity. Special wage rates are permitted by the statute in order to prevent the curtailment of opportunities for employment.

Prior to the recent amendments, section 14(c) provided for three distinct types of certification at special minimum wages: (1) Certificates authorizing wages not less than 50 percent of the applicable statutory minimum; (2) certificates, which did not provide for a minimum guarantee, approved by State agencies administering or supervising the administration of vocational rehabilitation services for evaluation or training programs or for multihandicapped individuals; and, (3) certificates for work activities centers which also did not provide for minimum guarantees. Work activities centers were defined in the previous statute as "centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential."

Provisions allowing for the employment of individuals with disabilities at special minimum wages have been in FLSA since its enactment in 1938. Provisions establishing the three distinct types of certification outlined above were introduced as a part of the FLSA Amendments of 1966. At that time, it was assumed that most certificates issued would authorize employment at the first level which provided for a minimum guarantee of 50 percent of the statutory minimum. However, as more severely disabled individuals were deinstitutionalized and placed in rehabilitation facilities offering employment, the work activities center became the predominant type of facility certified. By fiscal year 1986, work activities centers comprise over 55 percent of the certified programs and employed nearly 60 percent of those workers employed under certificates issued in accordance with FLSA section 14(c).

It became apparent, subsequent to the 1966 Amendments, that having three distinct levels of certification presented several serious administrative problems. First, an employer, particularly a nonprofit rehabilitation facility, might be required to apply for and maintain several different certificates for a single location. This requirement not only imposed an administrative burden on the employer, but also presented the possibility of technical violations where the employer inadvertently applied for the wrong type of certificate. The second and most serious administrative problem with respect to the previous statute was the requirement that a work activities center be planned and designed exclusively for workers with inconsequential productive capacity. One aspect of this problem was that of defining "inconsequential productive capacity." With the help of the Advisory Committee on Sheltered Workshops, the Department of Labor (the Department) developed two definitions. One definition was based on average annual productivity and the other on average annual earnings. However, experience proved these definitions to be overly rigid and imprecise, particularly for those work activities centers which employed more productive workers.

Also of concern to the rehabilitation community were the requirements that the work activities center be physically separate and apart from other programs, that intermingling with more productive workers be prohibited, and that separate records and supervision be provided. It was argued that dual programs represented an obvious administrative burden and that such programs were also detrimental to those individuals who would have benefited from the opportunity to work and interact with more productive workers.

Several efforts were made in previous sessions of Congress to adopt legislation simplifying section 14(c) of FLSA. In the last session of the 99th Congress, legislation was passed which eliminated the various levels of certification, but retained the requirement that special minimum wages paid to workers with disabilities be commensurate with those paid to nondisabled workers for essentially the same type, quality, and quantity of work. This legislation also included the following additional provisions: (1) During a two-year period beginning June 1, 1986, wage rates of certain workers cannot be reduced without prior authorization of the Secretary of Labor; (2) employers must provide written assurances of semi-annual (for workers paid an hourly wage rate) and annual wage reviews; and, (3) employees may petition for a review by an Administrative Law Judge of the special minimum wage rate paid pursuant to section 14(c).

On December 11 and 12, 1986, the Department convened a meeting of the Advisory Committee on Sheltered Workshops to discuss regulatory changes necessitated by the 1986 Amendments. The Committee strongly endorsed the concept of combining the three existing regulations. The Committee also offered numerous

specific proposals with respect to regulatory language, most of which have been incorporated in the proposed regulations. Other changes have been made to reflect changes in Departmental policies or procedures established or revised since 1966, the last time these regulations were substantively revised. Changes were also made to delete items or requirements eliminated by the 1986 Amendments.

Summary of Rule

The proposed regulations are divided into twenty-four sections. These sections closely parallel material contained in the existing Parts 524, 525, and 529 of this title, as this material was affected by the 1986 Amendments. All three of these Parts are very similar in their content and requirements.

Section 525.1 states the applicability of the regulations and summarizes the statutory language contained in FLSA section 14(c).

Section 525.2 defines the purpose and scope of the regulations and clarifies that the proposed regulations would govern the employment of all workers with disabilities at special minimum wages under certificates.

Section 525.3 contains definitions of the terms used in this part. The definitions of "employ", "special minimum wage", "commensurate wage", and "vicinity" or "locality" incorporate current Wage and Hour interpretations or policies as they relate to the employment of workers with disabilities including patient workers. The term "patient worker" is redefined for clarity and for the purpose of deleting references viewed by the Advisory Committee and others as pejorative and outmoded.

Section 525.4 contains special information with respect to determining when a patient worker is considered to be an employee. This information is currently contained in existing § 529.2(d).

Section 525.5 contains the Department's general requirements concerning the payment of wages to individuals with disabilities employed under this Part and the specific rules regarding wage payments made to patient workers. This subject is discussed in existing §§ 525.11 and 529.4.

Section 525.6 clarifies the issue of compensable time with respect to workers with disabilities. At the request of the Advisory Committee, this section deals specifically with the situation which arises in a facility providing a program of rehabilitation where, very often, an individual is on the premises of the facility even when that individual is not working. A more general definition is contained in existing § 529.4(g).

Section 525.7 of the proposed rule contains the procedural requirements for certificate application. Section 525.8 contains the provisions for obtaining temporary authority to employ workers with disabilities pursuant to a vocational program of the Veterans Administration or one administered by a State agency. Such requirements are contained in §§ 524.3, 524.4, 525.4, and 529.5 of the existing regulations.

Section 525.9 contains the criteria for consideration in issuance of certificates to employ workers at special minimum wages. This subject is discussed in existing §§ 524.5, 525.7, and 529.6. The proposed section contains new language reflecting the requirements for written assurances contained in section 14(c)(2) of the Amendments. The Department proposes to remove some of the requirements which currently apply only to rehabilitation facilities in § 525.7 in order to establish consistent standards which will be applied to all employers requesting certificates under Part 525.

Section 525.10 is a new section which provides specific guidelines for determining the prevailing wage rate which employers must use to determine commensurate wage rates for individual employees. This proposed section would codify standards acceptable to the Wage and Hour Division in determining prevailing wage rates. Although the requirement that employers ascertain prevailing wages in determining commensurate wages existed even prior to the 1986 Amendments, the current regulations provide no guidance in the area of prevailing wage determinations. As a result of the lack of guidance, considerable difficulty has been experienced by employers in complying with this area of the law. Wage rates in any vicinity for a particular type of work can vary widely from company to company. Use of a prevailing wage which is unacceptable to the Department can result in a back wage liability. For this reason the Advisory Committee strongly endorsed the inclusion of this section and supported the language proposed by the Department with only minor modifications. This area is one in which the Department would particularly welcome public comment.

Section 525.11 covers the issuance of certificates and appears in §§ 524.7, 525.8, and 529.7 of the existing regulations.

Section 525.12 states the terms and conditions of special certificates. Terms and conditions of certificates are currently contained in §§ 524.8, 525.9, and 529.8. The proposed regulations do not contain certain terms and conditions contained in the existing regulations. Upon review, it was determined that certain of these terms and conditions, while of obvious merit, are not clearly authorized by the language of the statute and are therefore inappropriate in these regulations. For example, requirements relating to unfair competition and abnormal labor conditions have not been included in the proposal. However, the Department proposes to add to this section by incorporating work measurement requirements for employees compensated on an hourly or piece rate basis. Work measurements are necessary for employers to verify that commensurate wages are being paid as required by the statute. This is another area in which the Department has been strongly urged by the Advisory Committee to provide further guidance in order that employers may be clearly informed of their obligations under the law. Most of the language regarding the work measurement requirements was provided by a subcommittee of the advisory committee during an August 1985 meeting. The Department would also particularly welcome public comment on this section.

Section 525.13 contains procedures for certificate renewal as discussed in §§ 524.9, 525.11, and 529.9 of the existing regulations.

Section 525.14 sets forth the requirement that an employer with a certificate post a notice alerting employees who are paid subminimum wages of the special terms and conditions of their employment. This requirement is currently stated in subsection (j) of § 525.13. The Department proposes to move this requirement to a separate section in order to provide more emphasis on the notice requirement.

Section 525.15 provides special certification procedures for rehabilitation facilities employing homeworkers with disabilities in certain industries. Such employment must be in conjunction with an established program of rehabilitation offered by a facility licensed or otherwise recognized by the appropriate State or local licensing agency. In addition, the workers so employed must meet the statutory definition of a "worker with a disability." This section restates provisions contained in § 525.12.

Section 525.16 outlines those recordkeeping requirements unique to the employment of workers with disabilities. These requirements are contained in existing §§ 524.10, 525.13, and 529.10.

Section 525.17 contains procedures for the revocation of certificates where violations occur or where the certificate is no longer necessary. These procedures are contained in existing §§ 524.14 and 529.11 and in Part 528 for workers with disabilities in competitive employment.

Section 525.18 contains procedures for reviewing certificate actions taken by the Wage and Hour Division. These procedures are contained in existing §§ 524.11, 525.15, and 529.12.

Section 525.19 covers investigations and hearings that may be required by the Wage and Hour Division in reviewing certificate actions. These provisions appear in §§ 525.16 and 529.13 of the existing regulations.

Section 525.20 points out the relation of the requirements of this Part to other laws which may establish higher standards. This statement is contained in §§ 524.8, 525.17, and 529.14 of the existing regulations.

Section 525.21 is new and interprets the provision in section 14(c)(3) prohibiting the reduction of the wage rates of certain workers with disabilities without prior approval from the Secretary of Labor. The Department interprets this provision as protecting workers employed under a special certificate which specified a minimum guaranteed rate, i.e., a regular work program certificate or an individual rate certificate. The Department proposes to interpret the statutory phrase, "wage rate prescribed by certificate" as referring to the specific hourly amount actually guaranteed by a certificate i.e., in the case of a regular work program certificate, at least $1.68 per hour (50% of the statutory minimum), and not whatever commensurate wage above $1.68 per hour a worker may have been receiving on June 1, 1986. The section is interpreted as not covering workers formerly employed in work activities centers and evaluation and training programs on June 1, 1986. The section also specifies the circumstances which will justify reduction of wage rates. The Department is interested in receiving comments regarding its interpretation of this provision.

Section 525.22 is new and discusses the employee's right to petition for a review by an Administrative Law Judge of the special minimum wage rate. The procedures outlining this review process are contained in this section.

Section 525.23 is new and restates the provisions of section 14(c)(4) of the FLSA, that employers may continue to maintain or establish work activities centers provided the other regulatory requirements are met.

Section 525.24 provides a regulatory reference to the Advisory Committee on Special Minimum Wages.

Editorial changes have also been proposed in several sections to simplify and clarify regulatory language, delete repetitive references, and eliminate gender-specific terminology.

Executive Order 12291

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore a regulatory impact analysis is not required.

Regulatory Flexibility Act

The proposed rule, if promulgated, will not have a significant effect on a substantial number of small entities. This conclusion is based on all information presently available to the Department concerning the employment of individuals at special minimum wages under section 14(c) of FLSA. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, the information collection requirements that are included in this regulation have been or will be submitted for approval to the Office of Management and Budget.

This document was prepared under the direction and control of Paula V. Smith, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 525

Handicapped, Hospitals, Minimum wages.

Accordingly, it is proposed to amend Chapter V of Title 29 of the Code of Federal Regulations as set forth below.

Signed at Washington, DC, on the 17th day of May 1988.

Ann McLaughlin,

Secretary of Labor.

Fred W. Alvarez,

Assistant Secretary for Employment Standards.

Paula V. Smith,

Administrator, Wage and Hour Division.

PART 524—[REMOVED]

1. Part 524, Special Minimum Wages for Handicapped Workers in Competitive Employment, is removed.

PART 529—[REMOVED]

2. Part 529, Employment of Patient Workers in Hospitals and Institutions at Subminimum Wages, is removed.

3. Part 525 is revised to read as follows:

PART 525—EMPLOYMENT OF WORKERS WITH DISABILITIES UNDER SPECIAL CERTIFICATES

Sec.

Authority: 52 stat. 1060, as amended (29 U.S.C. 201–219); Pub. L. 99–486, 100 stat. 1229 (29 U.S.C. 214).

§ 525.1 Introduction.

The Fair Labor Standards Amendments of 1986 (Pub. L. 99–486, 100 Stat. 1229) substantially revised those provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201) (FLSA) permitting the employment of individuals handicapped for the work to be performed (workers with disabilities)

at special minimum wage rates below the rate that would otherwise be required by statute. These provisions are codified at section 14(c) of the FLSA and:

(a) Provide for the employment under certificates of individuals with disabilities at special minimum wage rates which are commensurate with those paid to nonhandicapped workers employed in the vicinity for essentially the same type, quality, and quantity of work;

(b) Require employers to provide written assurance that wage rates of individuals paid on an hourly rate basis be reviewed at least once every six months and that the wages of all employees be reviewed at least annually to reflect changes in the prevailing wages paid to experienced nonhandicapped individuals employed in the locality for essentially the same type of work;

(c) Prohibit employers from reducing the wage rates prescribed by certificate in effect on June 1, 1986, for two years;

(d) Permit the continuance or establishment of work activities centers; and

(e) Provide that any employee receiving a special minimum wage rate pursuant to section 14(c), or the parent or guardian of such an employee, may petition for a review of that wage rate by an administrative law judge.

§ 525.2 Purpose and scope.

The regulations in this Part govern the issuance of all certificates authorizing the employment of workers with disabilities at special minimum wages pursuant to section 14(c) of FLSA.

§ 525.3 Definitions.

(a) "FLSA" means the Fair Labor Standards Act of 1938, as amended.

(b) "Secretary" means the Secretary of Labor or the Secretary of Labor's authorized representative.

(c) "Administrator" means the Administrator of the Wage and Hour Division, U.S. Department of Labor, or the Administrator's authorized representative.

(d) "Worker with a disability" for the purpose of this Part means an individual whose earning or productive capacity is impaired by age, physical or mental deficiency, or injury for the work to be performed.

(e) "Patient worker" means a worker with a disability, as defined above, employed by a hospital or institution providing residential care where such worker receives treatment or care without regard to whether such worker is a resident of the establishment.

(f) "Hospital or institution," hereafter referred to as "institution," is a public or private, nonprofit or profit facility primarily engaged in (i.e., more than 50 percent of the income is attributable to) providing residential care for the sick, the aged, or the mentally ill or defective, including but not limited to nursing homes, intermediate care facilities, rest homes, convalescent homes, homes for the elderly and infirm, halfway houses, residential centers for drug addicts or alcoholics, and the like, whether licensed or not licensed.

(g) "Employ" is defined in FLSA as "to suffer or permit to work." An employment relationship arises whenever an individual including a worker with a disability is suffered or permitted to work. The determination of an employment relationship does not depend upon the level of performance or whether the work is of some therapeutic benefit.

(h) "Special minimum wage" is the wage paid pursuant to a certificate issued under this Part to a worker with a disability. Such a wage is less than the minimum wage, but is commensurate with the wages paid to experienced nondisabled workers performing essentially the same work in the vicinity in which the individual under the certificate is employed.

(i) "Commensurate" wage means the wage paid to a worker with a disability which is based on the worker's individual productivity in proportion to the wage and productivity of experienced nondisabled workers performing essentially the same type, quality, and quantity of work in the vicinity in which the individual under certificate is employed. For example, the commensurate wage of a worker with a disability who is 75% as productive as the average experienced nondisabled worker, taking into consideration the type, quality, and quantity of work of the disabled worker, would be set at 75% of the wage paid to the nondisabled worker.

(j) "Vicinity" or "locality" means the geographic area from which the labor force of the community is drawn.

§ 525.4 Patient workers.

With respect to patient workers, as defined in § 525.3(e), a major factor in determining if an employment relationship exists is whether the work performed is of any consequential economic benefit to the institution. Generally, work shall be considered to be of consequential economic benefit if it is of the type that workers without disabilities normally perform, in whole or in part in the institution or elsewhere. However, a patient does not become an employee if he or she merely performs personal housekeeping chores, such as maintaining his or her own quarters, or receives a token remuneration in connection with such services. Nor does the patient become an employee if engaged in such activities as making craft products, where the patient voluntarily participates in such activities and the products become the property of the patient making them, or all of the funds resulting from the sale of the products are divided among the patient participants or are used in purchasing additional materials for the craft products.

§ 525.5 Wage payments.

(a) An individual whose earning or productive capacity is not impaired for the work being performed cannot be employed under a certificate issued pursuant to this Part and must be paid at least the applicable minimum wage. An individual whose earning or productive capacity is impaired to the extent that the individual is unable to earn at least the applicable minimum wage may be paid a special minimum wage, but only after the employer has obtained a certificate authorizing payment of a special minimum wage from the appropriate office of the Wage and Hour Division of the Department of Labor.

(b) With respect to patient workers employed in residential care facilities such as nursing homes, hospitals, and institutions, no deductions can be made from such individuals' commensurate wages to cover the cost of room, board, or other services provided by the facility. Such an individual must receive his or her wages free and clear, except for amounts deducted for taxes assessed against the employee and any voluntary wage assignments directed by the employee. (See Part 531 of this title.) However, it is not the intention of these regulations to preclude the residential care facility thereafter from assessing or collecting charges for room, board, and other services actually provided to an individual to the extent permitted by applicable Federal or State law and on the same basis as it assesses and collects from nonworking patients.

§ 525.6 Compensable time.

Individuals employed subject to this part must be compensated for all hours worked. Compensable time includes not only those hours during which the individual is actually performing productive work but also includes those hours when no work is performed but the individual is required by the employer to remain available for the next assignment. However, where the

individual is completely relieved from duty and is not required to remain available for the next assignment, such time will not be considered compensable time. For example, an individual employed by a rehabilitation facility would not be engaged in a compensable activity where such individual is completely relieved from duty but is provided therapy or the opportunity to participate in an alternate program or activity in the facility not involving work and not directly related to the worker's job (e.g., self-help skills training, recreation, or vocational training). The burden of establishing that such hours are not compensable rests with the facility and such hours must be clearly distinguishable from compensable hours. (For further information on compensable time under FLSA, see Part 785 of this title.)

§ 525.7 Application for certificates.

(a) Application for a certificate may be filed by any employer with the Regional Office of the Wage and Hour Division having administrative jurisdiction over the geographic area in which the employment is to take place.

(b) The employer shall provide answers to all of the questions contained on the application form.

(c) The application shall be signed by the employer or the employer's authorized representative.

§ 525.8 Special provisions for temporary authority.

(a) Temporary authority may be granted to an employer permitting the employment of workers with disabilities pursuant to a vocational rehabilitation program of the Veterans Administration for veterans with a service-incurred disability or a vocational rehabilitation program administered by a State agency.

(b) Temporary authority is effective for 90 days from the date the appropriate section of the application form is signed and completed by the duly designated representative of the State agency or the Veterans Administration. Such authority may not be renewed or extended by the issuing agency.

(c) The signed application constitutes the temporary authority to employ workers with disabilities at special minimum wage rates. A copy of the application must be forwarded within 10 days to the appropriate Regional Office of the Wage and Hour Division. Upon receipt, the application will be reviewed and, where appropriate, a certificate will be issued by the Wage and Hour Division. Where additional information is required or certification is denied, the applicant will receive notification from the Wage and Hour Division.

§ 525.9 Criteria for employment of workers with disabilities under certificates at special minimum wage rates.

(a) In order to determine that special minimum wage rates may lawfully be paid, the following criteria will be considered:

(1) The nature and extent of the disabilities of the individuals employed;

(2) The prevailing wages of experienced employees not handicapped for the job who are employed in the vicinity in industry engaged in work comparable to that performed at the special minimum wage rate;

(3) The comparative productivity of the workers with disabilities and the experienced nondisabled workers employed in the vicinity in comparable work; and,

(4) The wage rates to be paid to the workers with disabilities for work comparable to that performed by experienced nondisabled workers.

(b) In order to be granted a certificate authorizing the employment of workers with disabilities at special minimum wage rates, the employer must provide the following written assurances concerning the employment of workers subject to section 14(c) as required by FLSA:

(1) In the case of individuals paid hourly rates, the special minimum wage rates will be reviewed by the employer at periodic intervals at a minimum of once every six months, and

(2) Wages for all employees will be adjusted by the employer at periodic intervals at a minimum of once each year to reflect changes in the prevailing wages paid to experienced nondisabled individuals employed in the locality for essentially the same type of work.

§ 525.10 Prevailing wage rates.

(a) An employer, whose work force primarily consists of nondisabled workers performing the same work as the worker(s) with disabilities employed under a special minimum wage certificate, may use as the prevailing wage the wage rate paid to the experienced nondisabled employees of the firm.

(b) Other employers having a work force primarily composed of workers with disabilities must determine the prevailing wage for the work performed by ascertaining the wage rates paid experienced nondisabled workers in the vicinity. Such data may be obtained by surveying a representative sample of similar-sized or larger companies in the vicinity offering similar services or by contacting other sources, such as the Bureau of Labor Statistics and in certain instances private and State employment services. If comparable work cannot be found in the area defined by the geographic labor market, the closest comparable community may be used.

(c) The prevailing wage must be based upon the wage rate paid to experienced nondisabled workers. An experienced nondisabled worker is one who has become proficient in the job performance and who is not receiving entry level wages. Employment services which only provide entry level wage data are not acceptable as sources for prevailing wage information as required in this Part.

(d) The prevailing wage must be based upon work utilizing similar methods and equipment. Where the employer is unable to obtain the prevailing wage for a specific job to be performed on the premises, such as collating documents, it would be acceptable to use as the prevailing wage the wage paid to experienced individuals employed in similar jobs, such as file clerk or general office clerk, requiring the same general skill levels.

(e) The following information should be recorded in documenting the determination of prevailing wage rates:

(1) Date of contact with firm or other source;

(2) Name, address, and phone number of firm or other source contacted;

(3) Individual contacted within firm or source;

(4) Title of individual contacted;

(5) Wage rate information provided;

(6) Brief description of work for which wage information is provided;

(7) Basis for the conclusion that wage rate is not based upon an entry level position. See also § 525.10(c).

(f) The prevailing wage may not be less than the minimum wage specified in section 6(a) of the FLSA.

§ 525.11 Issuance of certificates.

(a) Upon consideration of the criteria cited in this Part, the Administator may issue a special certificate.

(b) If a special minimum wage certificate is issued, a copy shall be sent to the employer. If denied, the employer will be notified in writing and told the reasons for the denial, as well as the right to petition under § 525.18.

§ 525.12 Terms and conditions of special minimum wage certificates.

(a) A special minimum wage certificate shall specify the terms and conditions under which it is granted.

(b) A special minimum wage certificate shall apply to all workers

employed by the employer to which the special certificate is granted provided such workers are in fact disabled for the work they are to perform.

(c) A special minimum wage certificate shall be effective for a period to be designated by the Administrator. Workers with disabilities may be paid wages lower than the statutory minimum wage rate set forth in section 6 of FLSA only during the effective period of the certificate.

(d) Workers paid under special minimum wage certificates shall be paid wages commensurate with those paid experienced nondisabled workers employed in the vicinity in which they are employed for essentially the same type, quality, and quantity of work.

(e) Workers with disabilities shall be paid not less than one and one-half time their regular rates of pay for all hours worked in excess of the maximum workweek applicable under section 7 of FLSA.

(f) The wages of all workers paid a special minimum wage under this part shall be adjusted by the employer at periodic intervals at a minimum of once a year to reflect changes in the prevailing wages paid to experienced nonhandicapped individuals employed in the locality for essentially the same type of work.

(g) Each worker with a disability and, where appropriate, a parent or guardian of the worker, shall be informed, orally and in writing, of the terms of the certificate under which such worker is employed.

(h) In establishing piece rates for workers with disabilities, the following criteria shall be used:

(1) Industrial work measurement methods such as stop watch time studies, predetermined time systems, standard data, or other measurement methods (hereinafter referred to as "work measurement methods") shall be used by the employer to establish standard production rates of non-handicapped workers.

(i) The piece rates shall be based on the standard production rates (number of units an experienced worker not disabled for the work is expected to produce per hour) and the prevailing industry wage rate paid experienced nondisabled workers in the vicinity for essentially the same type and quality of work or for work requiring similar skill. (Prevailing industry wage rate divided by the standard number of units per hour equals the piece rate.)

(ii) Piece rates shall not be less than the prevailing piece rates paid experienced workers not disabled for the work doing the same or similar work in the vicinity when such piece rates can be compared with the actual employment situations.

(2) Any work measurement method used to establish piece rates shall be verifiable through the use of established industrial work measurement techniques.

(i) If stop watch time studies are made, they shall be made with a person or persons whose productivity represents normal or near normal performance. If their productivity does not represent normal or near normal performance, adjustments of performance shall be made. Such adjustments, sometimes called "performance rating" or "leveling" shall be made only by a person knowledgeable in this technique, as evidenced by successful competition of training in this area. The persons tested should be given time to practice the work to be performed in order to provide them with an opportunity to overcome the initial learning curve. The persons tested shall be trained to use the specific work method and tools which are available to workers with disabilities employed under special minimum wage certificates.

(ii) Appropriate time shall be allowed for personal time, fatigue, and unavoidable delays. Generally, not less than 15% allowances (9–10 minutes per hour) shall be used in conducting time studies.

(iii) Work measurements shall be conducted using the same work method that will be utilized by the majority of workers with disabilities. When modifications are made to production methods to accommodate special needs of individual workers with disabilities, additional time studies need not be conducted where the modifications enable the workers with disabilities to perform the work or increase productivity.

(i) Each worker with a disability employed on a piece rate basis should be paid full earnings. Employers may "pool" earnings only where piece rates cannot be established for each individual worker. An example of this situation is a team production operation where each worker's individual contribution to the finished product cannot be determined separately. However, in such situations, the employer should make every effort to objectively divide the earnings according to the productivity level of each individual worker.

(j) The following terms shall be met for workers with disabilities employed at hourly rates:

(1) Hourly rates shall be based upon the prevailing hourly wage rates paid to experienced workers not disabled for the job doing essentially the same type of work and using similar methods or equipment in the vicinity. See also § 525.10.

(2) An initial evaluation of a worker's productivity shall be made within the first month after employment begins in order to determine the appropriate rate of pay. The results of the evaluation shall be recorded and the worker's wages shall be adjusted accordingly no later than the first complete pay period following the initial evaluation.

(3) Upon completion of not more than six months of employment, a review shall be made with respect to the quantity and quality of work of each hourly-rated worker with a disability as compared to that of nondisabled workers engaged in similar work or work requiring similar skills and the findings shall be recorded. The worker's productivity shall then be reviewed and the findings recorded at least every 6 months thereafter. A review and recording of productivity shall also be made during the first 6 months after a worker changes jobs and at least every 6 months thereafter. The worker's wages shall be adjusted accordingly no later than the first complete pay period following each review.

§ 525.13 Renewal of special minimum wage certificates.

(a) Applications may be filed for renewal of special minimum wage certificates.

(b) If an application for renewal has been properly and timely filed, an existing special minimum wage certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Workers with disabilities may continue to be paid special minimum wages after notice that an application for renewal has been denied if review of such denial is requested in accordance with this part. However, if the denial is affirmed on review, the employer shall reimburse any worker paid a special minimum wage in an amount equal to the difference between the applicable minimum wage and the lower wage paid such worker retroactive to the expiration date of the certificate.

§ 525.14 Posting of notices.

Every employer having workers who are employed under special minimum wage certificates shall at all times display a poster as prescribed by the Administrator. Such a poster will explain, in general terms, the conditions under which special minimum wages must be paid and be posted in a conspicuous place on the employer's

premises where it may be readily observed by the workers with disabilities, the parents and guardians of such workers, and other workers.

§ 525.15 Industrial homework.

(a) Where the employer is an organization or institution carrying out a recognized program of rehabilitation for workers with disabilities and holds a special certificate issued pursuant to this part, certification under regulations governing the employment of industrial homeworkers (29 CFR Part 530) is not required.

(b) For all other types of employers, special rules apply to the employment of homeworkers in the following industries: Jewelry manufacturing, knitted outerwear, gloves and mittens, button and buckle, handkerchief manufacturing, embroideries, and women's apparel. See 29 CFR Part 530.

§ 525.16 Records to be kept by employers.

Every employer of workers employed under a special minimum wage certificate under this part shall maintain and have available for inspection records indicating:

(a) Verification of the workers' disabilities and, where the disability cannot be readily observed, appropriate medical or psychiatric reports, or results of psychological tests;

(b) Evidence of the productivity of each worker with a disability gathered on a continuing basis or at periodic intervals (not to exceed six months in the case of employees paid hourly wage rates);

(c) The prevailing wages paid workers not disabled for the job performed who are employed in industry in the vicinity for essentially the same type of work using similar methods and equipment as that used by each worker with disabilities employed under a special minimum wage certificate (see also § 525.10 (b) and (d));

(d) The production standards (work measurement) and supporting documentation for nondisabled workers for each job being performed by workers with disabilities employed under special certificates; and

(e) The records required under all of the applicable provisions of Part 516 of this title, except that any provision pertaining to homeworker handbooks shall not be applicable to workers with disabilities employed by a recognized nonprofit rehabilitation facility and who are working in or about a home, apartment, tenement, or room in a residential establishment. See § 525.15 above. Records required by this section shall be maintained and preserved for the periods specified in Part 516 of this Title.

§ 525.17 Revocation of certificates.

(a) A special minimum wage certificate may be revoked for cause at any time. A certificate may be revoked:

(1) As of the date of issuance, if it is found that misrepresentations or false statements have been made in obtaining the certificate or in permitting a worker with a disability to be employed thereunder;

(2) As of the date of violation, if it is found that any of the provisions of FLSA or of the terms of the certificate have been violated; or

(3) As of the date of notice of revocation, if it is found that the certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part other than those referred to in (2) above have not been complied with.

(b) If a petition for review is filed under section § 525.18 of this Part, the effective date of the revocation shall be postponed until action is taken thereon. However, if the revocation order is affirmed on review, the employer shall reimburse any worker with a disability paid a special minimum wage in an amount equal to the difference between the applicable minimum wage and the lower wage paid such worker retroactive to the effective date of revocation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any certificate shall be revoked, facts or conduct which may warrant such action shall be called to the attention of the employer in writing and such employer shall be afforded an opportunity to demonstrate or achieve compliance with all legal requirements.

§ 525.18 Review.

Any person aggrieved by any action of the Administrator taken pursuant to this part may, within 60 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted, shall be made by the Administrator. Other interested persons, to the extent it is deemed appropriate, may be afforded an opportunity to present data and views.

§ 525.19 Investigations and hearings.

The Administrator may conduct an investigation, which may include a hearing, prior to taking any action pursuant to this part. To the extent it is deemed appropriate, the Administrator may provide an opportunity to other interested persons to present data and views.

§ 525.20 Relation to other laws.

No provision of this Part, or of any special minimum wage certificate issued under this part, shall excuse noncompliance with any other Federal or State law or municipal ordinance establishing higher standards.

§ 525.21 Lowering of wage rates.

(a) No employer may reduce the minimum hourly wage rate guaranteed by a special minimum wage certificate in effect on June 1, 1986, of any worker with disabilities from June 1, 1986 until May 31, 1988, without prior authorization of the Secretary.

(b) This provision applies to those workers with disabilities who were:

(1) Employed during the pay period which included June 1, 1986, even if no work was performed during that pay period; and,

(2) Employed under a group or individual special minimum wage certificate which specified a minimum guaranteed rate, i.e., a special certificate issued under former section 14(c) (1) or (2)(b) of FLSA.

(c) In order to obtain authority to lower the wage rate of a worker with a disability to whom this provision applies to a rate below the certificate rate, the employer must submit information as prescribed under this part to the appropriate Regional Office of the Wage and Hour Division. The burden of establishing the necessity of lowering the wage of a worker with a disability rests with the employer.

(d) In reviewing a request to lower a wage rate of a worker with a disability, the Administrator will consider documented evidence of the following:

(1) Any change in the worker's disabling condition which has a substantially negative impact on his or her productive capacity;

(2) Any change in the type of work being performed in the facility which would affect the productivity of the worker with a disability or which would result in the application of a lower prevailing wage rate;

(3) Any change in general economic conditions in the locality in which the work is performed which results in lower prevailing wage rates.

(e) A wage rate may not be lowered until authorization is obtained from the Administrator.

§ 525.22 Employee's right to petition.

(a) Any employee receiving a special minimum wage at a rate specified pursuant to subsection 14(c) of FLSA or

the parent or guardian of such an employee may petition the Secretary to obtain a review of such special minimum wage rate. No particular form of petition is required, except that a petition must be signed by the individual, or the parent or guardian of the individual, and should contain the name and address of the employee and the name and address of the employee's employer. A petition may be filed in person or by mail with the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S3502, 200 Constitution Avenue NW., Washington, DC 20210. Upon receipt, the petition shall be forwarded immediately to the Chief Administrative Law Judge.

(b) Upon receipt of a petition, the Chief Administrative Law Judge shall, within 10 days of the receipt of the petition by the Secretary, appoint an Administrative Law Judge (ALJ) to hear the case. Upon receipt, the ALJ shall notify the employer named in the petition. The ALJ shall also notify the employee, the employer, the Administrator, and the Associate Solicitor for Fair Labor Standards of the time and place of the hearing. The date of the hearing shall be not more than 30 days after the assignment of the case to the ALJ. All the parties shall be given at least eight days notice of such hearing. Because of the time constraints imposed by the statute, requests for postponement shall be granted only sparingly and for compelling reasons.

(c) Hearings held under this subpart shall be conducted, consistent with statutory time limitations, under the Department's rules of practice and procedure for administrative hearings found in 29 CFR Part 18. There shall be a minimum of formality in the proceeding consistent with orderly procedure. Any employer who intends to participate in the proceeding shall provide to the ALJ, and shall serve on the petitioner and the Associate Solicitor for Fair Labor Standards no later than 15 days prior to the commencement of the hearing, that documentary evidence pertaining to the employee or employees identified in the petition which is contained in the records required by § 525.16(a), (b), (c) and (d). The Administrator shall be permitted to participate by counsel in the proceeding upon application.

(d) In determining whether any special minimum wage rate is justified, the ALJ shall consider, to the extent evidence is available, the productivity of the employee or employees identified in the petition and the conditions under which such productivity was measured, and the productivity of other employees performing work of essentially the same type and quality for other employers in the same vicinity and the conditions under which such productivity was measured. In these proceedings, the burden of proof on all matters relating to the propriety of a wage at issue shall rest with the employer.

(e) The ALJ shall issue a decision within 30 days after the termination of the hearing and shall serve the decision on the Administrator and all interested parties by Express Mail or other similar system guaranteeing one-day delivery. The decision shall contain appropriate findings and conclusions and an order. If the ALJ finds that the special minimum wage being paid or which has been paid is not justified, the order shall specify the lawful rate and the period of employment to which the rate is applicable. In the absence of evidence sufficient to support the conclusion that the proper wage should be less than the minimum wage, the ALJ shall order that the minimum wage be paid.

(f) Within 15 days after the date of the decision of the ALJ, any interested party who seeks review thereof may request review by the Secretary. No particular form of request is required, except that a request must be in writing and must attach a copy of the ALJ's decision. Requests for review shall be filed with the Secretary of Labor, 200 Constitution Ave., NW., Washington, DC 20210. Any other interested party may file a reply thereto with the Secretary and the Administrator within 5 working days of receipt of such request for review. The request for review and reply thereto shall be transmitted by the Administrator to all interested parties by Express Mail or other similar system guaranteeing one-day delivery.

(g) The decision of the ALJ shall be deemed to be final agency action 30 days after issuance thereof, unless within 30 days of the date of the decision the Secretary grants a request to review the decision. Where such request for review is granted, within 30 days after receipt of such request the Secretary shall review the record and shall either adopt the decision of the ALJ or issue exceptions. The decision of the ALJ, together with any exceptions issued by the Secretary, shall be deemed to be a final agency action.

(h) Within 30 days of issuance of the final action of the Secretary reviewing the decision of the ALJ or declining to grant such review, any person adversely affected or aggrieved by such action may seek judicial review pursuant to Chapter 7 of Title 5, United States Code. The record of the case, including the record of proceedings before the ALJ, shall be transmitted by the Secretary to the appropriate court pursuant to the rules of such court.

§ 525.23 Work activities centers.

Nothing in these regulations shall be interpreted to prevent an employer from maintaining or establishing work activities centers to provide therapeutic activities for workers with disabilities as long as the employer complies with the requirements of this Part. Work activities centers shall include centers planned and designed exclusively to provide therapeutic activities for workers with disabilities whose physical or mental impairment is so severe as to make their productive capacity inconsequential. Any establishment whose workers with disabilities are employed must comply with the requirements of this part, regardless of the designation of such establishment.

§ 525.24 Advisory Committee on Special Minimum Wages.

The Advisory Committee on Special Minimum Wages appointed periodically by the Secretary shall advise and made recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereof and for such other purposes as may be desired by the Administrator.

[FR Doc. 88–11405 Filed 5–19–88; 8:45 am]

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federal register

Friday
May 20, 1988

Part VII

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

May 1, 1988.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of May 1, 1988 of 22 deferrals contained in the three special messages of FY 1988. There have been no rescissions proposed. These messages were transmitted to the Congress on October 1 and 29, 1987 and February 19, 1988.

Rescissions (Table A and Attachment A)

As of May 1, 1988, there were no rescission proposals pending before the Congress.

Deferrals (Table B and Attachment B)

As of May 1, 1988, $6,288.4 million in budget authority was being deferred from obligation. Attachment B shows the history and status of each deferral reported during FY 1988.

Information from Special Messages

The special messages containing information on the deferrals covered by this cumulative report are printed in the **Federal Register** listed below:

Vol. 52, FR p. 37739, Thursday, October 8, 1987
Vol. 52, FR p. 42400, Wednesday, November 4, 1987
Vol. 53, FR p. 6734, Wednesday, March 2, 1988

James C. Miller III,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1988 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President.....	0
Accepted by the Congress.....	0
Rejected by the Congress.....	0
Pending before the Congress.....	0

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TABLE B

STATUS OF 1988 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President.....	9,310.0
Routine Executive releases through April 1, 1988.. (OMB/Agency releases of $3,028.4 million and cumulative adjustments of $6.8 million)	-3,021.6
Overturned by the Congress.....	0
Currently before the Congress.....	6,288.4

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1988

As of May 1, 1988 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
NONE								

Attachment B - Status of Deferrals - Fiscal Year 1988

As of May 1, 1988 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 5-1-88
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Foreign military sales credit	D88-20	2,949,000		2-19-88	865,000				2,084,000
Economic support fund	D88-1	40,000		10-1-87					
	D88-1A		1,960,727	2-19-88	290,430				1,710,297
Military assistance	D88-21	608,186		2-19-88	202,346				405,840
International disaster assistance	D88-22	13,479		2-19-88	6,200				7,279
Special Assistance for Central America									
Promotion of stability and security in Central America	D88-2	1,000		10-1-87					1,000
DEPARTMENT OF AGRICULTURE									
Forest Service									
Expenses, brush disposal	D88-3	120,425		10-1-87					
	D88-3A		10,529	2-19-88					130,954
Timber salvage sales	D88-4	34,841		10-1-87	10,456				24,385
Cooperative work	D88-5	628,025		10-1-87	157,084				470,941
Gifts, donations, and bequests for forest and rangeland research	D88-6	104		10-1-87	60				44
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction									
Military construction, Defense	D88-7	900		10-1-87					
	D88-7A		1,297,848	2-19-88	1,297,848				900
Family Housing									
Family housing, Defense	D88-8	51,015		10-1-87					
	D88-8A		135,940	2-19-88	186,955				0
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, Defense	D88-9	636		10-1-87					
	D88-9A		149	2-19-88					785

Attachment B - Status of Deferrals - Fiscal Year 1988

As of May 1, 1988 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 5-1-88
DEPARTMENT OF ENERGY									
Power Marketing Administration									
Alaska Power Administration, Operation and maintenance	D88-14	120		10-29-87					120
Southeastern Power Administration, Operation and maintenance	D88-15	2,000		10-29-87	2,000				0
Southwestern Power Administration, Operation and maintenance	D88-16	6,000		10-29-87					
	D88-16A		7,200	2-19-88					13,200
Western Area Power Administration, Construction, rehabilitation, operation and maintenance	D88-17	774		10-29-87					
	D88-17A		2,426	2-19-88	3,200				0
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Assistant Secretary for Health									
Scientific activities overseas (special foreign currency program)	D88-18	2,391		10-29-87					
	D88-18A		569	2-19-88					2,960
Social Security Administration									
Limitation on administrative expenses (construction)	D88-10	6,171		10-1-87					
	D88-10A		36	2-19-88					6,207
DEPARTMENT OF JUSTICE									
Office of Justice Programs									
Crime victims fund	D88-19	85,000		10-29-87	6,800			6,800	85,000
DEPARTMENT OF STATE									
Bureau for Refugee Programs									
United States emergency refugee and migration assistance fund, executive	D88-11	11,638		10-1-87					11,638
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Facilities and equipment (Airport and airway trust fund)	D88-12	879,049		10-1-87					
	D88-12A		450,858	2-19-88					1,329,907
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
Local government fiscal assistance trust fund	D88-13	2,933		10-1-87					2,933
TOTAL, DEFERRALS		5,443,688	3,866,281		3,028,379	0		6,800	6,288,390

[FR Doc. 88-11390 Filed 5-19-88; 8:45 am]

BILLING CODE 3110-01-C

federal register

Friday
May 20, 1988

Part VIII

Department of Transportation

Federal Aviation Administration

14 CFR Part 61, etc.
Anti-Drug Program for Personnel Engaged in Specified Aviation Activities; Notice of Public Hearings

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61, 63, 65, 121, and 135

[Docket No. 25148; Notice No. 88-4]

Anti-Drug Program for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public hearings.

SUMMARY: On March 14, 1988, the Federal Aviation Administration (FAA) published a notice of proposed rulemaking entitled "Anti-Drug Program for Personnel Engaged in Specified Aviation Activities" (53 FR 8368). That notice stated that the FAA was considering holding a public hearing on the proposal. The FAA has determined that public hearings would be useful in this rulemaking proceeding. This notice announces a series of three public hearings to solicit information concerning the proposed rule and to address the issues and questions contained in the notice of proposed rulemaking. Information gathered at the public hearings will be included in Docket No. 25148 and will be reviewed and evaluated by the FAA in conjunction with the rulemaking proceeding.

DATES: The hearings are scheduled for 9:00 a.m. on June 2 and June 3, 1988, in Washington, DC; 9:00 a.m. on June 7, 1988, in Denver, Colorado; and 9:00 a.m. on June 9, 1988, in San Francisco, California. Registration for each hearing will begin at 8:00 a.m. on the date of the hearing at each location; the registration period will end at 8:45 a.m. The FAA anticipates that each hearing will adjourn at or before 5:00 p.m. The hearing officer has sole discretion to extend the time of the hearing.

An individual or representative of an organization must request an opportunity to make a statement at a hearing at least 7 days before the date of the particular hearing that the individual or representative plans to attend. A request to make a statement at a hearing must be directed to the person listed in the section **"FOR FURTHER INFORMATION CONTACT."** Only those individuals who make a request within the deadline will be initially scheduled to make a statement at the hearing. A request to make a statement that is received after the deadline may be accepted at the sole discretion of the hearing officer. The FAA requests that an individual or representative submit an advance copy of a statement or material to be presented at the hearing to the FAA at least 7 days before the date of the hearing that an individual or representative plans to attend.

ADDRESSES: The public hearings will be held on the following dates at the following locations:

Date and Location:

June 2 and 3, 1988—FAA Headquarters, FAA Auditorium, Third Floor, 800 Independence Avenue SW., Washington, DC.

June 7, 1988—Embassy Suites, Denver Airport, 4444 North Havana Street, Denver, Colorado (303) 375-0400.

June 9, 1988—Clarion Hotel, San Francisco Airport, 401 East Millbrae Avenue, Millbrae, California (414) 692-6363.

FOR FURTHER INFORMATION CONTACT: Requests to make a statement at any hearing or inquiries about the logistics of a hearing should be directed to Ms. Rose Strauss-Vender, Safety Regulations Division (APR-200), Office of Program and Regulations Management, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-9681. Questions concerning the subject matter of the notice of proposed rulemaking should be directed to Dr. Robert S. Bartanowicz or Ms. Rose Strauss-Vender, Safety Regulations Division (APR-200), Office of Program and Regulations Management, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-9677 or (202) 267-9681.

SUPPLEMENTARY INFORMATION:

Background

On March 14, 1988, the FAA published a notice of proposed rulemaking (NPRM) entitled "Anti-Drug Program for Personnel Engaged in Specified Aviation Activities" (53 FR 8368). The NPRM proposes rules to require domestic and supplemental air carriers, commercial operators of large aircraft, air taxi operators, commercial operators, certain contractors to these operators, and air traffic control facilities not operated by FAA or the U.S. military to have an anti-drug program for employees who perform sensitive safety- and security-related functions. Testing under the proposed rules would be conducted prior to employment, periodically, randomly, after an accident, and based on reasonable cause. The NPRM also requests comments on how to provide employers with the maximum flexibility in designing company-specific programs. In addition, the NPRM seeks comments on a regulatory alternative for the rehabilitation to be offered to employees.

At the time the NPRM was issued, the FAA was considering holding a public hearing on the proposal. The FAA has determined that public hearings would be useful in this rulemaking proceeding. Information gathered at the public hearings will be included in Docket No. 25148. This information will be reviewed and evaluated by the FAA in conjunction with the rulemaking proceeding.

The NPRM included many questions regarding the proposed rules, including specific questions about implementation of a program for small operators, costs associated with the proposed program, and alternatives to the proposed rehabilitation requirements. The questions contained in the NPRM will not be repeated in this notice. The FAA is interested in information on any aspect of the proposed rule. But, the FAA is also interested in obtaining specific, factual information regarding any other anti-drug programs, "success" rates of those programs based on the population of individuals involved in the program, and difficulties that may be encountered during implementation of an anti-drug program.

An individual is not required to make a statement at a hearing in order to participate in this rulemaking proceeding. Any individual may submit comments to the NPRM to the FAA Rules Docket (Docket No. 25148) instead of, or in addition to, making a statement at a hearing. Comments to the NPRM must be mailed or delivered, in duplicate, to the Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-204), Room 915G, Docket No. 25148, 800 Independence Avenue SW., Washington, DC 20591. Comments must be received by June 13, 1988. The comments may be reviewed in Room 915G between 8:30 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

After the deadline for a request to make a statement has passed, the FAA will develop an agenda for each hearing. The agenda will be distributed to participants during registration for each hearing. The hearing officer has sole discretion to determine whether an individual, whose request was submitted after the deadline, may make a statement at the hearing.

Hearing Procedures

The following procedures are established by the FAA to facilitate the hearings:

1. The hearing will be open to all persons who register on the day of the hearing subject to the availability of space in the hearing room.

2. An individual, whether speaking in a personal or private capacity or speaking in a representative capacity on behalf of a company, union, trade association or organization, is limited to a 15-minute statement at any hearing. The time limits are intended to provide an opportunity for a wide variety of individuals and representatives to make a statement at a hearing. The time limits are not intended to limit discussion on particular issues or to narrow the scope of the hearing. The hearing officer has sole discretion to grant additional time for a statement at the hearing if, at the time the individual requests an opportunity to make a statement at a hearing, the individual provides an estimate of the amount of additional time needed and sets forth reasons showing that the 15-minute time limit is insufficient.

3. The FAA requests that persons participating at a hearing provide sufficient copies of their statement, and any other material to be included in the record, for distribution to the hearing officer, members of the hearing panel, and other participants at the hearing. The FAA estimates that a minimum of 25 copies of a statement, and any other material to be included in the record, will be needed for distribution.

4. Statements may be made by the hearing officer or any member of the hearing panel to clarify issues or facilitate discussion during the hearing. Any statements made during the hearing are not intended to be, and should not be construed as, a position of the FAA with respect to the rulemaking proceeding.

5. The hearing will be recorded by a court reporter. A transcript of the hearings and any material accepted by the hearing officer during the hearing to be included in the record will be included in Docket 25148 of the proposed rule. Any person interested in purchasing a copy of the transcript should contact the court reporter directly.

6. The hearings are designed to solicit public views and information on the proposed rule. Therefore, the hearings will be conducted in an informal and nonadversarial manner. An individual or representative will not be subject to cross-examination by any other participant; the hearing officer or any member of the hearing panel is entitled to ask questions in order to clarify the statement made at the hearing or material accepted by the hearing officer during the hearing.

Issued in Washington, DC on May 16, 1988.

Robert J. Dame,

Deputy Director, Office of Program and Regulations Management.

[FR Doc. 88–11314 Filed 5–18–88; 1:55 pm]

BILLING CODE 4910–13–M

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